

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-:-

TA-646-2021 (O&M)

Date of Decision: 07.01.2022

Manjeet Kaur

....Petitioner

VERSUS

Naresh Kumar

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. K.P.Singh, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

The present petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') titled as "*Naresh Kumar Vs. Manjeet*" bearing No.HMA/907/2021 pending in the Court of Principal Judge (Family Court), Ludhiana to the Court of competent jurisdiction at Tarn Taran.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Tarn Taran and in order to defend the case at Ludhiana she would have to travel a distance of 150 kms (one way). The petitioner is also stated to be having no independent source of income and is totally dependent upon her parents and, hence, it would not be financially and physically feasible for her to defend her case before the Family Court at Ludhiana. It has further been contended that a petition filed

by the petitioner under Section 125 of the Code of Criminal Procedure, 1973 is already pending before the Courts at Tarn Taran.

As per office report, the respondent-husband stands duly served. However, none has put in appearance on his behalf. Even on the last date of hearing no one had put in appearance on behalf of the respondent. He is, therefore, proceeded against *ex parte*.

I have heard the learned counsel for the petitioner.

Keeping in mind the fact that the petitioner-wife in the present case is residing at Tarn Taran and would have to travel a distance of 150 kms (one way) in order to attend the proceedings before the Family Court at Ludhiana on every date of hearing as also the fact that a petition filed by the petitioner under Section 125 of the Code of Criminal Procedure, 1973 is already pending before the Courts at Tarn Taran, I find this to be a fit case for transfer the petition filed by the respondent-husband under Section 13 of the HM Act titled as “*Naresh Kumar Vs. Manjeet*” bearing No.HMA/907/2021 pending in the Court of Principal Judge (Family Court), Ludhiana to the Court of competent jurisdiction at Tarn Taran.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Tarn Taran and the parties shall appear there on **21.01.2022** at 10.00 a.m.

The present petition is disposed off in the above terms.

January 07, 2022
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO