

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

TA No.552 of 2020

Date of decision: 4th May, 2022

Preet Rani

... Applicant

Versus

Aman Garg

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dhirinder Chopra, Advocate for the applicant.

FATEH DEEP SINGH, J.

Applicant Preet Rani has invoked jurisdiction of this Court under Section 24 CPC seeking transfer of case No.HMA/78/2020 titled as 'Aman Garg vs. Preeti Rani' filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 (Annexure P2) pending in the Court of Addl. Civil Judge (Senior Division), Dhuri to the Court of Principal Judge, Family Court, Moga where another case bearing No.HMA/929/2020 titled as 'Preet Rani vs. Aman Garg' filed by the applicant under Section 13 of the Hindu Marriage Act, 1955 (Annexure P1) is pending.

Notice of the application was given to the respondent who did not put in appearance.

Heard Mr. Dhirinder Chopra, Advocate for the applicant and perused the records.

Admittedly, distance between Dhuri and Moga is more than 100 kms. The wife had instituted a petition under Section 13 of the Hindu

Marriage Act, 1955 (in short, 'the Act') (Annexure P1) and the husband had filed another petition under Section 9 of the Act seeking restitution of conjugal rights (Annexure P2) and the petition of the wife is first in time and apparently reflects that the husband had as a counter-blast instituted the petition under Section 9 of the Act. More so, as is there in the stand of the wife because of this distance she would not be in a position to look after her household as well as contest the litigation besides the fact that earlier litigation instituted by her is already pending in the Court at Moga and therefore, it would facilitate that the parties shall not be put to inconvenience in attending the Courts at different far off places from each other, rather it would subserve and be in the interest of both the sides.

In the light of the same, the present transfer application is allowed and case No.HMA/78/2020 titled as 'Aman Garg vs. Preeti Rani' filed by the respondent under Section 9 of the Act (Annexure P2) pending in the Court of Addl. Civil Judge (Senior Division), Dhuri is ordered to be transferred to the Court of Principal Judge, Family Court, Moga where another case bearing No.HMA/929/2020 titled as 'Preet Rani vs. Aman Garg' filed by the applicant under Section 13 of the Act (Annexure P1) is pending.

(FATEH DEEP SINGH)
JUDGE

May 4, 2022

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No