

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

TA-83-2024 (O&M)
Date of decision: 23.01.2024

Rekha
...Petitioner

Versus

Hardeep
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. J.S. Saneta, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

1. Prayer in this petition is for transfer of the petition filed under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act by the respondent, bearing No.HMA-639-2020, titled as *Hardeep vs. Rekha*, pending in the Court of Principal Judge, Family Court, Jind to a Court of competent jurisdiction at Panipat.
2. At the very outset, learned counsel for the petitioner has very fairly submitted that petitioner was proceeded against ex parte vide order dated 14.12.2022 and the matter was adjourned to 02.03.2023 for ex parte evidence. On the adjourned date, the evidence was recorded and on the same day ex parte judgment and decree was passed. The petitioner has moved an appropriate application under Order 9 Rule 13 CPC for setting aside the ex parte judgment and decree dated 02.03.2023 as well as the order dated 14.12.2022, whereby she was proceeded against ex parte, which order has since merged in the final judgment.

The said application is pending consideration before the Family Court at Jind.

3. It is not in dispute that as on date the petition filed under Section 13 of the Hindu Marriage Act seeking a decree of divorce has been disposed of vide judgment dated 02.03.2023 and only a miscellaneous application *inter alia* for setting aside the ex parte judgment and decree is pending before the Family Court at Jind.

4. In view of the above, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to press his prayer seeking transfer, after decision of the application referred to above and on revival of the main petition.

5. Dismissed as withdrawn with liberty aforesaid.

January 23, 2023

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No