

2025 PHHC 005853

TA-1000-2024 (O&M)
DATE OF DECISION : 16.01.2025

AAINA JUNEJA

... APPLICANT

V/S

SAHIL SAKHUJA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. T.S.Attariwala, Advocate for the applicant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Petition under Section 24 of the Code of Civil Procedure has been filed by the applicant with a prayer to transfer the petition bearing Case No.HMA/581/2024 pending in the Court of learned Principal Judge, Family Court, Ambala under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act of 1955') to the competent Court having jurisdiction at District Ludhiana.

2. Learned counsel for the applicant contends that applicant is presently residing in Ludhiana and the respondent has filed a petition under Section 9 of the Act of 1955 before the Family Court, Ambala. Even in the said petition (Annexure P-1), the address of the applicant is mentioned as that of Ludhiana. The distance between Ambala and Ludhiana is approximately 120 Kms. It is inconvenient for the applicant to travel from Ludhiana to Ambala for the Court proceeding.

3. It is further contended that FIR No. 78 dated 10.10.2024 under Sections 406 and 498-A IPC, Police Station Women, District Ludhiana registered at the instance of the applicant is also pending before the Police

Authorities in Ludhiana, which was registered prior to the filing of the petition under Section 9 of the Hindu Marriage Act by the respondent.

4. Notice of motion was issued to the respondent but none has put appearance on behalf of the respondent despite service. He was proceeded against ex parte vide order dated 08.01.2025.

5. Keeping in view the difficulty faced by the applicant and in view of the law laid down by Hon'ble the Supreme Court in Sumita Singh Vs. Kumar Sanjay and another AIR 2002 SC 396, Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (2005) 12 SCC 237 and N.C.V. Aishwarya Vs. A.S.Saravana Karthik Sha 2022 SCC OnLine SC 1199, the present petition is allowed and petition under Section 9 of the Hindu Marriage Act filed by the respondent-husband bearing Case No. HMA/581/2024 pending in the Court of learned Principal District Judge, Family Court, Ambala is ordered to be withdrawn from learned Principal District Judge, Family Court, Ambala and transferred to the Principal Judge, Family Court, Ludhiana,

16.01.2025

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(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No