

**Sr. No.109****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****TA-1477-2024****Date of decision: 16th January 2025****PARUL @ DIMPLE RANI****.....Applicant****versus****AMIT KUMAR****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Deshpreet Singh, Advocate and
Mr. Prince Pasricha, Advocate
for the applicant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Petition under Section 24 of the Code of Civil Procedure (for short '*the Code*') has been filed by the applicant with a prayer to transfer the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, bearing No.HMA-12367-2024 (Annexure P-3), pending in the Court of the learned Principal Judge, Family Court, Ludhiana, to the competent Court having jurisdiction at Abohar, District Fazilka.

2. Learned counsel for the applicant-wife contends that the respondent-husband has filed a petition under Section 9 of the Hindu Marriage Act, 1955, which is pending before the Family Court, Ludhiana, whereas, the petitioner-wife is residing in Abohar, District Fazilka, which is at a distance of 216 kms from Ludhiana. It is further contended that it is very difficult for the applicant-wife to travel to such a long distance to attend the Court hearings.



2.1 It is also pointed out that the litigation filed on behalf of the applicant-wife and the minor child are pending before the Family Court, Abohar. Preference has been made to the application filed under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking maintenance (Annexure P-1) and the application filed by the applicant-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005, pending before the SDJM, Abohar (Annexure P-2).

3. In view of the facts of the present case, this Court feels that issuance of notice to the respondent would delay the proceedings, as such, the same is dispensed with.

4. Keeping in view the difficulty faced by the applicant-wife 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 the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, bearing No.HMA-12367-2024 (Annexure P-3), pending in the Court of the learned Principal Judge, Family Court, Ludhiana, is ordered to be withdrawn from the learned Principal Judge, Family Court, Ludhiana and transferred to the learned Principal Judge, Family Court, Abohar, District Fazilka.

5. However, the respondent may approach this Court within a period of three months from today for revival of the petition, if any facts



have been mislead or concealed by the petitioner, subject to the following terms:-

- (a) Clearance of all arrears of maintenance, if any due.
- (b) Payment of Rs.20,000/- towards litigation expenses to the applicant-wife by way of a demand draft in favour of the applicant to be submitted along with an application for revival of this petition.

(HARPREET KAUR JEEWAN)
JUDGE

16th January 2025
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>