

TA-209-2013 (O&M)

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

**TA-209-2013 (O&M).
Decided on: March 27, 2015.**

Rupinder Kaur

..... Petitioner(s)

Versus

Amarjit Singh

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.I.S.Parmar, Advocate,
for the petitioner.**

**Mr.Ashok Sharma Nabhewala, Advocate,
for the respondent.**

M.M.S. BEDI, J (ORAL)

This is a petition for transfer of divorce petition filed by respondent under Section 13 of the Hindu Marriage Act before the Family Court, Ambala to the Court of competent jurisdiction at Ludhiana, on the ground that the petitioner is a lady who has to take care of a minor son residing at her parental house in Ludhiana. The distance between Ambala to Ludhiana is stated to be hundred kilometres as such, it is claimed that it would be difficult for her to attend the proceedings at Ambala. The old parents of the petitioner are also residing in Ludhiana. The petitioner claims that proceedings under Section 125 Cr.P.C.; under the Protection of Women from Domestic Violence Act; and also under Section 406 & 498-A IPC all initiated by her are pending at Ludhiana, whereas the respondent has filed a petition for divorce at Ambala. The mother of the

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respondent has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act against the petitioner at Ambala.

Counsel for the respondent had submitted that the matter can be amicably resolved by referring the matter for mediation. The matter was sent for mediation to the Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh, but the matter could not be amicably resolved.

I have considered the facts and circumstances of the case. In the present case, the petitioner is a female staying with her minor son at Ludhiana with her old parents. Few cases are already pending at Ludhiana. It will certainly not be convenient for her to go to Ambala on each date of hearing to contest the case filed by the respondent. Even otherwise, the respondent has to travel to Ludhiana on various dates of hearing in three other cases pending at Ludhiana. There are two alternatives available to the Court at this stage, for the convenience of the petitioner-wife either to dismiss the application for transfer and order for payment of adequate compensation to her or to transfer the case taking into consideration the convenience of the parties.

Interest of justice would be adequately met in case the application for transfer is allowed and the petition for divorce filed by the respondent-husband at Ambala is transferred to Ludhiana.

The transfer application is allowed. It is ordered that

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divorce petition filed by the respondent will be transferred from Ambala to Ludhiana. The parties are directed to appear before the District Judge, Ludhiana on 24.5.2015. It will be open to the District Judge, Ludhiana, to entrust the case to the Court of competent jurisdiction.

File, complete in all respects, be sent to the Court of District Judge, Ludhiana, well before the date fixed.

March 27, 2015.
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(M.M.S. BEDI)
JUDGE