

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.235 of 2013

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Date of decision:24.7.2015

Parveen Devi

.....Petitioner

v.

Monu

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Satbir Rathore, Advocate for the petitioner.

None for the respondent.

.....

Inderjit Singh, J.

This petition has been filed under Section 24 read with Section 151 C.P.C. for transferring the petition filed by the respondent under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') titled "Monu Vs. Parveen Devi" for dissolution of marriage, which is pending in the Court of learned District Judge/Family Court at Ambala to the Court of learned District Judge/Family Court at Chandigarh.

Notice of this transfer petition was issued to the respondent, who was represented by Mr. Sandeep Singh Jattan, learned Advocate earlier, but later on he absented himself from the proceedings. Today, no one has appeared on behalf of the respondent to contest this petition.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that proceedings under Section 125 Cr.P.C. are also pending before the learned Judicial Magistrate Ist Class, Chandigarh. The petitioner is also maintaining the minor children and as per the petition, she was doing work as a Maid to look after her children. She also stated that her father and only brother have already died. It is difficult for her to pursue the case at Ambala when there is no male member to accompany her and further there are two minor children she is maintaining.

From the record, it is clear that the petitioner will suffer inconvenience if the petition under Section 13 of the Act remains pending at Ambala. No prejudice or inconvenience is to be caused to the respondent because another proceeding under Section 125 Cr.P.C. is pending at Chandigarh. Rather, it will be convenient for the parties and they can ask for one date by making request to the Courts in these cases.

Therefore, from the above discussion, I find merit in the present transfer petition and the same is accepted. The petition under Section 13 of the Act filed by Monu against Parveen Devi pending in the Court of learned District Judge/Family Court, Ambala is transferred to the competent Court at Chandigarh.

The parties are directed to appear on 17.8.2015 before the learned District Judge, Chandigarh, who will be at liberty to keep this case with him or may transfer the same to any competent Court at Chandigarh,

who will proceed as per law for disposal of the same after giving notice to Monu, who has filed petition under Section 13 of the Act. The learned District Judge, Ambala is directed to send the file of the above case to the learned District Judge, Chandigarh well before the date fixed.

The petition is allowed accordingly.

July 24, 2015.

(Inderjit Singh)
Judge

hsp