

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

Transfer Application No. 281 of 2013 (O&M)

Date of decision : 6.4.2015

Usha Rani

.... Applicant

vs

Arundeeep

.... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal.

Present: Mr. Ram Kumar Kashyap, Advocate, for the applicant.

Mr. B. S. Dhillon, Advocate, for the respondent.

Rajesh Bindal, J.

The prayer made in the present application filed by the wife is for transfer of petition titled as *Arundeeep vs Usha Rani* filed by her husband under Section 13 of the Hindu Marriage Act, 1955, for dissolution of marriage pending in the Court of Additional District Judge, Kurukshetra to the court of competent jurisdiction at Kaithal.

It was submitted by learned counsel for the applicant that the applicant was married to the respondent on 8.10.2009, as per Hindu rites and ceremonies at Kaithal. Out of the wedlock, two children namely Sumit (son) now aged 4½ years and Harshdeep (daughter) now aged 10 years were born. After she was turned out from the matrimonial home, she is residing at her parental house. She has no source of income for her livelihood. It is very difficult for her to meet the daily and litigation expenses. It is very difficult for her to bear the expenses of travelling and litigation to attend the court about 50 kilometers at Kurukshetra. The respondent-husband is attending the proceedings in the petitions filed by the wife under Section 125 Cr.P.C. and under the Protection of Women from Domestic Violence Act, 2005, at Kaithal. As the husband is already attending the aforesaid cases at Kaithal, it will not be difficult for him to attend these proceedings at Kaithal. The prayer is for transfer of the aforesaid petition to the court of competent jurisdiction at Kaithal.

On the other hand, learned counsel for the respondent denied the allegations levelled in the application against him but difficulties to be faced by the wife to attend the proceedings along with minor children could not be disputed by him. He stated that even he also lost his father. He has a widow mother. It is difficult for him to travel from Kurukshetra to Kaithal.

Heard learned counsel for the parties and perused the paper book.

It is not disputed by the learned counsel for the respondent that the wife is now residing at Kaithal with minor children. It is very difficult for her to attend the proceedings at Kurukshetra along with minor children.

The issue regarding transfer of matrimonial proceedings almost in similar circumstances came up for consideration before this Court in a number of cases earlier. It has been the consistent view that primarily convenience of the wife is to be given weightage for ordering transfer of proceedings at or near the place where she is residing.

Accordingly, the divorce petition filed by the husband at Kurukshetra is transferred to Kaithal. Parties are directed to appear before the District Judge, Kaithal, on 2.5.2015 for further proceedings. The District Judge, Kaithal may either keep it with him or entrust the same to any other competent Court.

The application stands disposed of accordingly.

6.4.2015
vs

(Rajesh Bindal)
Judge