

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

**Transfer Application No. 333 of 2013 (O&M)**

Date of decision : 27.4.2015

Mrs. Kamal Goyal

.... Applicant

vs

Saurav Goyal

.... Respondent

**Coram: Hon'ble Mr. Justice Rajesh Bindal.**

Present: Mr. Tejinder Pal Singh, Advocate, for the applicant.

Mr. K. K. Goyal, Advocate for the respondent.

**Rajesh Bindal, J.**

The prayer made in the present application filed by the wife is for transfer of divorce petition titled as 'Saurav Goyal vs Mrs. Kamal Goyal' filed by her husband under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of District Judge, Ludhiana to the court of competent jurisdiction at Karnal (Haryana).

It was submitted by learned counsel for the applicant that the applicant was married to the respondent on 12.9.2010, as per Hindu rites and ceremonies at Ludhiana. Out of the wedlock, no child was 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. No maintenance is being paid to her. It is very difficult for her to meet day to day expenses besides travelling 190 kilometers to attend the Court at Ludhiana. 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 Karnal. Proceedings in FIR No. 82 dated 5.2.2013, registered at Police Station, Civil Lines, Karnal, are also pending at Karnal. As the husband is already attending the aforesaid cases at Karnal, it will not be difficult for him to attend these proceedings at Karnal. The prayer is for transfer of the aforesaid petition to the court of competent jurisdiction at Karnal.

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 could not be disputed by him. He stated that FIR has been lodged against the respondent only to harass him. It was a love marriage. It will be difficult for him to travel from Ludhiana to Karnal.

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 Karnal. It is very difficult for her to attend the proceedings at Ludhiana, which is located at a distance of about 190 kilometers.

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. Reference can be made to judgment of this Court in TA No. 612 of 2012 Shashi Bala vs Sanjeev Kumar decided on 21.4.2015 and TA No. 363 of 2013 Kuldeep Kaur vs Amarjit Singh, decided on 23.4.2015.

Accordingly, the divorce petition filed by the husband at Ludhiana is transferred to Karnal. Parties are directed to appear before the District Judge, Karnal, on 20.5.2015 for further proceedings. The District Judge, Karnal may either keep it with him or entrust the same to any other competent Court.

Further the District Judge may examine the possibility of assigning different cases to one Court, if that court has the jurisdiction and further the Court(s) concerned should consider the request of the respondent to fix all the cases on same date, if possible.

The application stands disposed of accordingly.

27.4.2015  
vs

**(Rajesh Bindal)**  
**Judge**