

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.471 of 2013 (O&M)
Date of Decision: July 27, 2015

Shalu

...Applicant

Versus

Vinod Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Chahal, Advocate
for the applicant.

Ms.Bandana Dogra, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Shalu has filed this application under Section 24 CPC against Vinod Kumar for transfer of petition filed by the respondent under Section 13 of the Hindu Marriage Act, from the Court of Addl. District Judge, Rupnagar to the Court of competent jurisdiction at Patiala.

Notice of motion was issued and learned counsel for the respondent appeared and contested the application but did not file any reply to the application.

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

First of all, I find that another proceeding under the

Domestic Violence Act is pending before learned JMIC, Patiala, in which respondent Vinod Kumar is appearing. It is the case of the applicant that distance between Patiala and Rupnagar is about 90 Kms. and there is nobody to accompany her to attend the Court at Rupnagar from Patiala. It is also argued that applicant has also no source of money to spend on travelling etc.

As already the proceedings under Domestic Violence Act are pending before learned JMIC, Patiala and respondent is appearing in that case, no inconvenience will be caused to the respondent if the present case is transferred to the Courts at Patiala. Rather, it will be convenient for him to appear in both the proceedings at Patiala and further the parties can also take one date in both the proceedings by making request to the Court. It is inconvenient for the wife, who has no source of income to maintain herself and there is nobody to accompany her to go to Rupnagar from Patiala on each and every date by covering a distance of 90 kms. No prejudice in any way will be caused to respondent if the petition under Section 13 of the Hindu Marriage Act is transferred to the Courts at Patiala.

Therefore, I find merit in the present application and the same is allowed. The case filed by the respondent-husband under Section 13 of the Hindu Marriage Act is transferred to the Courts at Patiala from the Court of Addl. District Judge, Rupnagar. The parties are directed to appear before learned District Judge, Patiala on 13.08.2015, who may keep the case with him or entrust the same to some other competent Court for disposal in accordance with law.

Learned Addl. District Judge, Rupnagar, is directed to send the file to learned District Judge, Patiala, well before the date fixed.

July 27, 2015
Vgulati

(INDERJIT SINGH)
JUDGE