

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.474 of 2013

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Date of decision:20.7.2015

Anjna Bala alias Kavita Rani

.....Petitioner

v.

Satish Kumar

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Lovekesh Gupta, Advocate for the petitioner.

Mr. H.S. Randhawa, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. for transferring the petition filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for grant of decree of divorce titled as "Satish Kumar Vs. Anjna Bala alias Kavita Rani" (Annexure-P.1), filed by the respondent and pending in the Court of Additional District Judge, Bathinda to the competent Court at Jalandhar.

Notice of this transfer petition was issued to the respondent, who was represented by Mr. H.S. Randhawa, learned Advocate and contested this petition.

At the time of arguments, learned counsel for the petitioner

argued that firstly, there is no male member to accompany the petitioner to visit Bathinda, which is at a distance of about 170 kms from Jalandhar. He also argued that the father of the petitioner has also died. The respondent is not paying maintenance regularly. He also argued that petition under Section 125 Cr.P.C. and the proceedings of FIR under Sections 498-A and 406 IPC are already pending at Jalandhar. It is argued by the learned counsel for the petitioner that if the case is not transferred, the petitioner will suffer inconvenience.

On the other hand, learned counsel for the respondent argued that only on the ground of inconvenience to a party, the case cannot be transferred.

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

From the record, I find that firstly the petitioner will suffer inconvenience if the case is not transferred to Jalandhar from Bathinda. Bathinda is at a distance of about 170 Kms. There is no male member to accompany the petitioner to visit the Court at Bathinda. Secondly, her father has recently died as argued. Further, lot of money is to be spent to go to Bathinda and it is the case of the petitioner that the respondent is not paying maintenance regularly to her. Thirdly, I find that proceedings under Section 125 Cr.P.C., under Domestic Violence Act and regarding FIR registered under Sections 498-A and 406 IPC are pending at Jalandhar and if this case is transferred to Jalandhar, no inconvenience will be caused to the respondent as he is to attend all these proceedings pending at Jalandhar.

Rather, it will be convenient for the parties to get the dates fixed on one day by making request to the Courts.

Therefore, from the above discussion, I find merit in the present transfer petition. The petition under Section 13 of the Act filed by Satish Kumar against Anjna Bala alias Kavita Rani pending in the Court of learned Additional District Judge, Bathinda is transferred to the competent Court at Jalandhar.

The parties are directed to appear on 11.8.2015 before the learned District Judge, Jalandhar, who will be at liberty to keep this case with him or may transfer the same to any of the Additional District Judge at Jalandhar, who will proceed as per law for disposal of the same. The learned District Judge, Bathinda is directed to send the file of the above case to the learned District Judge, Jalandhar well before the date fixed.

The petition is allowed accordingly.

July 20, 2015.

(Inderjit Singh)
Judge

hsp