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

Transfer Application No. 151 of 2015

Date of Decision: December 15, 2015

Archna Devi

-Petitioner

Versus

Surender Kumar

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Kumar Pundir, Advocate
for the petitioner.

Ms. Savita Rana, Advocate
for respondent.

RAJ MOHAN SINGH, J. (ORAL)

{1}. In this transfer application, petitioner Archna Devi seeks transfer of petition under Section 13 of Hindu Marriage Act titled as “Surender Kumar vs. Archna Devi” pending in the Court of Addl. District Judge, Panipat to the Court of competent jurisdiction at Kurukshetra. Petitioner alleges that her marriage was solemnized on 16.04.2002 at Kurukshetra according to Hindu rites and ceremonies. For the grounds available in the

divorce petition, they could not pull on smoothly. Resultantly, petition under Section 13 of Hindu Marriage Act was filed by the respondent in the Court of Addl. District Judge, Panipat in which petitioner has already appeared. Petitioner submits that she is living in Kurukshetra alongwith her parents. Proceedings in terms of Domestic Violence Act are pending at Kurukshetra in which petitioner has already moved an application for grant of maintenance. Said application is also pending and the respondent has not appeared so far. Under Section 125 Cr.P.C., petition was filed by the petitioner in the Court at Kurukshetra which was ultimately dismissed in default. Revision against said order was also dismissed on technical grounds. However, she has filed fresh application for grant of maintenance under Section 125 Cr.P.C., in the Court at Kurukshetra.

{2}. Respondent-husband filed a petition for custody of female child at Kurukshetra in which custody of daughter aged 12 years was ordered to be given to the respondent by the Court at Kurukshetra. The execution of said order is also pending in the Court at Kurukshetra.

{3}. Learned counsel for the petitioner contends that in transfer matters, convenience of the wife has to be given paramount consideration. Even otherwise, number of proceedings are pending at Kurukshetra, pendency of divorce

petition at Panipat creates lot of hardship to the petitioner. It is also a conceded position that FIR in terms of Section 498-A and 406 IPC was also lodged at Kurukshetra in which respondent and his family members have since been acquitted.

{4}. Learned counsel appearing on behalf of respondent, however, submits that ingredients for filing divorce petition at Panipat are squarely fortified and petition is maintainable.

{5}. Be that as it may, in view of observation made in **Smt. Yatna @ Rachna vs Rajesh Jain, 2005 (4) RCR (Civil) 299, Geeta vs Rajinder 2005 (4) RCR (Civil) 151** and **Milli vs Mukesh Kumar 2005 (4) RCR (Civil) 422**, it would be just and expedient to transfer the petition under Section 13 of Hindu Marriage Act titled “Surender Kumar vs Archana Devi” pending in the Court of Addl. District Judge, Panipat to the Court of competent jurisdiction at Kurukshetra. On transfer, District Judge would allot proper Court to the case.

{6}. Disposed of.

December 15, 2015
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE