

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No.24 of 2015 (O&M)

Date of decision: January 13, 2015.

Priya

... **Petitioner**

v.

Jatinder Khanna

... **Respondent**

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present: Shri Vivek Rattan, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Counsel for the wife, petitioner herein, urges that the petition under Section 13 of the Hindu Marriage Act, 1955 (in short the Act) filed by the respondent-husband for dissolution of marriage by decree of divorce primarily is a reprisal action by the husband as a case under Section 125 Cr.P.C. was filed by the wife at Dhuri in District Sangrur. There is neither any Family Court nor court of Additional District Judge at Dhuri to entertain a petition under Section 13 of the Act and thus the petition is sought to be transferred to Sangrur where the wife can competently and efficiently pursue the case filed by the respondent-husband against her. The distance from Dhuri to Sangrur is 12 kilometers and in any case Sangrur is the jurisdictional Sessions Division for Dhuri. The petitioner finds it very difficult to come from Dhuri to Mohali on each and every date of hearing to

defend her case. When the case under Section 125 Cr.P.C. has already been contested at the courts at Dhuri, there is no reason why the case should have been filed at Mohali. In any case, there is merit in the contentions of Counsel for the petitioner. The petition is duly supported by an affidavit.

No notice is being issued to the respondent in order to obviate delay, more so when no prejudice is likely to be caused to the respondent in view of the nature of order which this Court proposes to pass.

In view of the circumstances explained in the petition, the petition under Section 13 of the Hindu Marriage Act, 1955 is ordered to be transferred from Mohali to the court of competent jurisdiction at Sangrur. Compliance be made by all concerned.

The petition stands disposed of.

January 13, 2015.
kadyan

[Dr. Bharat Bhushan Parsoon]
Judge