

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No.247 of 2015

Date of Decision: 02.07.2015

Renu Gupta

... Petitioner

Versus

Vipin Garg

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Birender Singh Rana, Sr. Advocate, with
Mr. Gagandeep Rana, Advocate,
for the petitioner.

Mr. Vishwajeet Singh, Advocate, for
Mr. Keshav Partap Singh, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Heard the learned counsel for the parties.

Learned Senior counsel has pointed out some of the material in paper book from where the possibility of mediation in the matter appears to be remote and not even worth exploring at this stage. Furthermore, looking to the allegations and counter allegations in the petition reflecting the happenings between the parties in the ensuing litigation which appear to fuel litigation as the only way out of the crossroads the parties find themselves. If the litigation has to be pursued in the divorce petition filed at Karnal by the husband then the petitioner wife would be put to a greater hardship as she resides in Panipat with her parents, who Mr. Rana states are not in good health. He has annexed the hospital discharge summary of the father of the petitioner, who has been donated kidney by the wife for his survival. Therefore, he is a person of special needs and would require manpower at home constantly. The petitioner has filed a petition under the

Domestic Violence Act against the respondent at Panipat together with a petition under Section 125 Cr. P.C. for maintenance, which are pending and in which the respondent stands served and has put in appearance to defend the proceedings. Since two of the cross litigations are already pending at Panipat, this Court deems it appropriate that the divorce petition also deserves to be transferred from Karnal to Panipat for further trial. There appears to be no dispute that the respondent-husband belongs to a well-to-do business family settled in Karnal and can withstand travel far more conveniently than the wife although the jurisdiction may lie at the Karnal courts.

Consequently, HMA No.589/2014 is ordered to be transferred from the matrimonial court at Karnal to the coordinate matrimonial court at Panipat. Learned Sessions Judge, Panipat, would either try the matter on his Board or nominate an Additional District Judge at Panipat to try the divorce petition from the stage it is at Karnal. Parties to appear on 20.7.2015 before the court concerned.

02.07.2015
monika

(RAJIV NARAIN RAINA)
JUDGE