

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.286 of 2015 (O&M)
Date of Decision: July 29, 2015

Babli

...Applicant

Versus

Dharmender

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurmeet Singh Guri, Advocate
for the applicant.

Mr.Vikas Pacharwal, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Babli has filed this application under Section 24 CPC against respondent Dharmender for transfer of petition filed by the respondent under Section 13 of the Hindu Marriage Act, from the Court of learned District Judge (Family Court) Bhiwani to the Court of competent jurisdiction at Patiala.

Notice of motion was issued and learned counsel for the respondent appeared and contested the petition. However, no reply has been filed by the respondent.

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

Learned counsel for the applicant argued that proceedings under Domestic Violence Act are already pending at Patiala. There is

no person to accompany the applicant to visit the Courts at Bhiwani. Two children aged 14 years and 11 years are with the husband-respondent.

Keeping in view the fact that there is no male member in the family of the applicant to accompany her to the Courts at Bhiwani, which is at a distance of 200 kms. and further in view of the fact that one case under Domestic Violence Act is also pending in the Court at Patiala, in which respondent is to appear, no inconvenience would be caused to the respondent if the case under Section 13 of the Hindu Marriage Act is transferred at Patiala. Further, it will be rather convenient for the parties to take one date in both the cases by making request to the Court. It is settled law that convenience of the wife in matrimonial disputes is to be seen.

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 learned District Judge (Family Court) Bhiwani. The parties are directed to appear before learned District Judge, Patiala on 17.08.2015, who may keep the case with him or entrust the same to some other competent Court for disposal in accordance with law. Learned District Judge (Family Court) Bhiwani, is directed to send the file to learned District Judge, Patiala, well before the date fixed.

July 29, 2015
Vgulati

(INDERJIT SINGH)
JUDGE