

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

T.A. No.257 of 2014 [O&M]

Date of Decision : March 23rd, 2015

Sarita Petitioner.

Versus

Manoj Kumar. Respondent.

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

Present:- Mr. Sandeep Khunger, Advocate
for the petitioner.

Mr. Diwan S. Adlakha, Advocate
for the respondent.

Dr. Bharat Bhushan Parsoon, J [Oral]

Counsel for the wife, petitioner herein, seeks transfer of petition under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 (for short, the Act) filed by the husband, respondent herein, from Panchkula to Yamuna Nagar as the petitioner is residing alongwith her minor son aged about 4 years at Yamuna Nagar. It is claimed that distance between two cities is approximately 100 Kms and it is very difficult for the petitioner-wife to manage and pursue the proceedings competently and effectively in the petition filed under Section 13(ia) of the Act at Panchkula by travelling from Yamuna Nagar to attend the dates of hearing in the said petition.

It is also urged that the respondent-husband has filed a petition under Section 25 read with Section 8 of the Guardians and Wards Act, 1890 at Yamuna Nagar. Besides this, the petitioner-wife has filed a complaint, inter alia, under Section 498-A IPC at Yamuna Nagar as also a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and a petition under Section 125 Cr.PC at Yamuna Nagar.

Learned counsel for the respondent-husband citing ***Veena v. Vinay Kumar 1992(1) HLR 380 (P&H)*** and ***Lila Sahu Versus Kailash Narayan Sahu 1991(1) HLR 518(MP)*** claims that inconvenience of both the parties is to be taken care of.

In the case in hand, facts are entirely different. The husband is already facing four matters in the Courts at Yamuna Nagar, where the petitioner-wife is residing. There is no reason for the respondent to oppose this application for transfer of the divorce petition preferred by him also to Yamuna Nagar where he is already facing four matters. He can make an application, if he so desires, for putting all the cases for hearing on one date, so that he may take care of his minor son from his earlier marriage and also of his job which he claims to be doing at Panchkula. If such an application is made by the respondent within a week, the same would be decided by the concerned Courts after hearing the other parties within fifteen days thereafter.

In view of the submissions made by counsel for the parties as also the circumstances explained in the petition, the request is allowed.

Sequelly, the petition under Section 13 (1) (ia) of the Act pending before Additional District Judge, Panchkula is transferred to District Judge, Yamuna Nagar at Jagadhri who may assign it to any other competent court of jurisdiction. Both the concerned Courts to comply.

Petition stands disposed of accordingly.

Copy Dasti on usual charges.

(Dr. BHARAT BHUSHAN PARSOON)
JUDGE

March 23rd, 2015
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