

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

TA-29-2014

Date of Decision: July 16, 2015

VIBHA SHARMA

....PETITIONER

VS

ROHIT SHARMA

.....RESPONDENT

CORAM: HON'BLE MR.JUSTICE NARESH KUMAR SANGHI

Present: Sh. Shailender Kashyap, Advocate
for the petitioner.

Mr. Munish Bhardwaj, Advocate
for the respondent.

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- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the digest?*

Naresh Kumar Sanghi, J. (Oral)

Prayer in the present petition filed under Section 24 read with Section 151 of Code of Civil Procedure 1908 (for brevity 'CPC') is for transfer of the petition titled as "Rohit Sharma Vs. Vibha Sharma" filed under Section 25 of Guardians and Wards Act, 1890 (for brevity 'the Act') from the Court of learned Guardian Judge, Jalandhar to a Court of competent

jurisdiction at Ludhiana.

Learned counsel for the petitioner-wife submits that due to the harsh behaviour of the respondent-husband, it was not possible for the petitioner-wife to live any more with him. She along with her minor son was forced to leave her matrimonial house and thereafter she had to take shelter at the house of her mother at Ludhiana. She has no means to survive, therefore she had to file the petition under Section 125 of the Code of Criminal Procedure, 1973 before the learned Area Judicial Magistrate at Ludhiana and the said petition is pending adjudication. There is no adult member except her old father residing with the petitioner to accompany her to Jalandhar to defend her case filed by the respondent-husband.

Learned counsel for the respondent-husband, though opposed the transfer of the petition mentioned above from Jalandhar to Ludhiana, but could not controvert the submissions put forth by the counsel for the petitioner-wife.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

In the matter of **Sumita Singh v. Kumar Sanjay and another**, AIR 2002 SC 396, Hon'ble the Supreme Court while

dealing with the petition under Section 24, CPC, for transfer of a matrimonial case held that *“it is the wife's convenience that must be looked at”*. In **Jitender Kaur v. Manpreet Singh (TA No. 263 of 2009, decided on 25.11.2009)**, a Co-ordinate Bench of this Court held that in terms of Section 21-A of the Hindu Marriage Act, 1955, all proceedings under the said Act have to be tried by the same Court, therefore, a petition under Section 13 of the Hindu Marriage Act filed by the respondent has to be tried by the same court which is seized of earlier proceedings under Section 9 of the Act.

Similar view was taken in the matters of **Annu Arora v. Rakesh Kumar (TA No. 648 of 2011, decided on 16.12.2011)**; **Bupinder Kaur v. Inderpreet Singh (TA No. 616 of 2011, decided on 09.05.2012)**; **Leena Kalra @ Lovely v. Parveen Kumar (TA No. 381 of 2014, decided on 30.03.2015)** and **Suman Vs. Baldev Singh (TA No.637 of 2013, decided on 03.07.2015)**.

In view of the facts narrated by learned counsel for the petitioner-wife and going through the latest law on this subject, the petition titled as “Rohit Sharma Vs. Vibha Sharma” is transferred from the Board of Court of learned Guardian Judge at Jalandhar to the Court of learned Guardian Judge at Ludhiana to

try the case in accordance with the law.

Court of learned Guardian Judge, Jalandhar shall remit the complete record of the case to the Court of learned Guardian Judge, Ludhiana immediately

The parties to the *lis* shall appear before the Court of learned Guardian Judge, Ludhiana on 17.08.2015 at 10:00 a.m., for further proceedings.

Disposed of accordingly.

July 16, 2015
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(NARESH KUMAR SANGHI)
JUDGE