

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.341 of 2014 (O&M)
Date of Decision: April 28, 2015

Nimal @ Nirmala

...Applicant

Versus

Sandeep

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Malik, Advocate
for the applicant.

Mr.Ramesh Chahal, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Nimal @ Nirmala has filed this application under Section 24 CPC against Sandeep 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, Hisar to any other Court of competent jurisdiction at Narwana (Jind).

Notice of motion was issued and learned counsel for respondent appeared and contested the application.

At the time of arguments, learned counsel for the applicant argued that the father of the applicant is 90% disabled person and there is nobody in the house to accompany the applicant to attend the proceedings at Hisar. He further argued that complaint under Section

12 of the Protection of Women from Domestic Violence Act and proceedings under Section 125 Cr.P.C. are pending at Narwana (Jind).

He next argued that applicant-wife is also suffering from some health problem and cannot travel frequently to Hisar for attending the proceedings of the case.

On the other hand, learned counsel for the respondent admitted the fact that complaint under Section 12 of the Domestic Violence Act and proceedings under Section 125 Cr.P.C. are pending at Narwana Sub-Division of Jind Sessions Division but he argued that divorce petition cannot be transferred to Narwana as there is no Court of District Judge at Narwana and the Court of District Judge is at Jind i.e. Session Division Headquarter.

After going through the record and after hearing learned counsel for the parties, I find that applicant-wife is to travel about 70 kms. to attend the proceedings at Hisar and there is no male member to accompany her as father of the applicant is stated to be 90% disabled. Therefore, it will be convenient if the case is transferred to Jind. Furthermore, two proceedings are already pending at Narwana Sub-Division of Jind Sessions Division and respondent-husband is attending those proceedings. So, there will be no inconvenience to the husband-respondent. Rather, the parties can request the Court for getting one date in all cases, which will be convenient for both the parties.

Keeping in view the above discussion, I find merit in the present application and the same is allowed. Therefore, the petition

filed by the respondent under Section 13 of the Hindu Marriage Act pending in the Court of learned District Judge, Family Court, Hisar is transferred to the Court of District Judge, Jind. The parties are directed to appear before learned District Judge, Jind on 13.05.2015. Learned District Judge, Jind may keep the case with him or entrust the same to some other competent Court for disposal in accordance with law.

April 28, 2015
Vgulati

(INDERJIT SINGH)
JUDGE