

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.369 of 2014

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Date of decision:28.7.2015

Kamlesh Rani

.....Petitioner

v.

Naresh Kumar

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Kulwant Singh Dhanora, Advocate for the petitioner.

None for the respondent.

.....

Inderjit Singh, J.

This petition has been filed under Section 24 read with Section 151 C.P.C. for transferring the petition titled as “Naresh Kumar Vs. Kamlesh Rani” filed by the respondent under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as ‘the Act’) for dissolution of marriage, from the Court of learned District Judge, Fatehgarh Sahib to a Court of competent jurisdiction at Hisar.

Notice of this transfer petition was issued to the respondent, who earlier appeared in person, but later on absented from the proceedings. Again notice was issued to the respondent, which was received back that he is not residing at the address. As the respondent has already appeared in

person and the case was adjourned on his request and then he absented from the proceedings, there was no need for issuing notice again.

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

From the record, I find that three minor daughters are residing with petitioner-Kamlesh Rani at Hisar, who is wife of respondent-Naresh Kumar. The distance between Fatehgarh Sahib to Hisar is about 200 Kms. The wife has stated in the petition that the respondent is not paying any maintenance to her. A petition under Section 125 Cr.P.C. is already pending in the Court at Hisar.

Keeping in view the fact that the petitioner is also maintaining three minor daughters and the respondent is not paying any maintenance, it is inconvenient for her to travel 200 Kms. alone after leaving the minor daughters at Hisar. Further more, the proceedings under Section 125 Cr.P.C. are already pending at Hisar and the respondent is also to appear in those proceedings. Rather, it will be convenient for the parties and they can ask for one date by making request to the Courts in these cases.

Therefore, keeping in view the facts and circumstances of the present case, I find merit in this petition and the same is accepted. The above petition filed under Section 13 of the Act by Naresh Kumar against Kamlesh Rani, pending in the Court of learned District Judge, Fatehgarh Sahib, is transferred to the competent Court at Hisar.

The parties are directed to appear on 17.8.2015 before the learned District Judge, Hisar, who will be at liberty to keep this case with

him or may entrust the same to any Court of competent jurisdiction at Hisar, who will proceed as per law for disposal of the same. The learned District Judge, Fatehgarh Sahib is directed to send the file of the above case to the learned District Judge, Hisar well before the date fixed.

The petition stands disposed of accordingly.

July 28, 2015.

(Inderjit Singh)
Judge

hsp