

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

**Transfer Application No.381 of 2014  
Date of Decision: March 30, 2015**

Leena Kalra @ Lovely

...Petitioner

Versus

Parveen Kumar

...Respondent

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.Sumeet Puri, Advocate,  
for the petitioner.

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)

The present petition, filed under Section 24 of the Code of Civil Procedure, for transfer of the petition titled as “*Parveen Kumar vs. Leena Kalra @ Lovely*” for grant of divorce under Section 13 of the Hindu Marriage Act, 1955 (Annexure P-1) pending adjudication before learned District Judge, Patiala (Punjab) to the court of competent jurisdiction at Gurgaon (Haryana).

Notice of the present application was issued but no one has proposed to appear on behalf of the respondent-husband and as such, vide order dated 04.02.2015 the respondent-husband was ordered to be proceeded against ex parte.

Learned counsel for the petitioner-wife submits that the marriage of the petitioner-wife was solemnized with Parveen Kumar (respondent/husband) as per Hindu Rites on 11.07.2011 at Rajpura. After marriage both of them cohabited as husband and wife at Gurgaon since the respondent/husband was running his business at Gurgaon at that time. After some time of the marriage, the respondent-husband joined the business of his father at Rajpura, District Punjab.

On various occasions, the petitioner-wife was beaten up by the respondent/husband and his family members on account of demand of dowry and ultimately, she was turned out of her matrimonial home on 04.08.2012 and thereafter, the petitioner/wife started residing with her parents at Gurgaon. In the year 2014, the petitioner/wife delivered twins female babies who were residing with the petitioner-wife at Gurgaon. In the meantime, the respondent/husband filed a petition under Section 13 of the Hindu Marriage Act for grant of a divorce before learned District Judge, Patiala. The petitioner along with her minor children is unable to travel from Gurgaon to Patiala which is around 250 km, to attend her case while the petitioner who was initially running his business at Gurgaon has no difficulty to visit Gurgaon to attend the court case.

Learned counsel contends that keeping in view the

totality of the facts and circumstances of the case, the divorce petition titled as "*Parveen Kumar vs. Leena Kalra @ Lovely*" pending before learned District Judge, Patiala, may be transferred to the court of competent jurisdiction at Gurgaon.

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

In *Sumita Singh vs. Kumar Sanjay, AIR 2002 SC 396*

Hon'ble the Supreme Court held that in transfer of matrimonial proceedings, initiated by husband against wife, the convenience of the wife must be looked at. In the matter of *V.Saliya vs. Koteswara Rao, AIR 2003 AP 178*, it was held that in matters concerning the transfer of matrimonial cases, it is the convenience of the wife which has to be taken into consideration.

There appears to be sound reasons in the submissions of learned counsel for the petitioner when he submitted that the respondent-husband was initially running his business at Gurgaon; after the marriage both the parties cohabited at Gurgaon and that the petitioner-wife has delivered twins female children, therefore, she might be in difficulty in travelling 250 Kms from Gurgaon to Patiala for attending her court case.

Taking into consideration all the facts and circumstances of the case and the legal proposition discussed hereinabove, the case titled as ***“Parveen Kumar vs. Leena Kalra @ Lovely”*** pending before learned District Judge, Patiala, is transferred to the board of learned District Judge, Family Court, Gurgaon (Haryana). Learned District Judge, Patiala, is directed to send the complete record of the above-stated case to the court of learned District Judge, Family Court, Gurgaon, immediately.

The parties shall appear before learned District Judge, Gurgaon (Haryana), on 30.04.2015.

Disposed of accordingly.

**March 30, 2015**  
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**(Naresh Kumar Sanghi)**  
**Judge**