

T.A. No. 494 of 2014
Date of Decision : March 23rd, 2015

Dr. Seema Sangwan

.... Petitioner

Versus

Dr. Devender Sangwan

.... Respondent

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

Present Mr. Yash Dev Kaushik, Advocate,
for the petitioner.

Ms. B. Jeet Sheoran, Advocate,
for the respondent.

Dr. BHARAT BHUSHAN PARSOON, J. [Oral]

Counsel for the wife, petitioner herein, seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 (for short, the Act) filed by the husband, respondent herein, at Hissar as the petitioner-wife is residing at her parental home alongwith her minor children at Sonapat. It is claimed that distance between two cities is approximately 200 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 of the Act at Hissar by travelling from Sonapat to attend the dates of hearing in the said petition.

It is also urged that the respondent has filed a petition under Section 6 of the Hindu Minority and Guardianship Act, 1956 [for short, "the 1956 Act"] for taking the custody of children, which is pending before the District Judge, [Family Court], Sonapat.

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The respondent has contested the petition claiming that convenience of the witnesses and nature of evidence sought to be produced by the husband is a fact which needs to be taken into consideration. To support his argument, reliance has been placed on the decision of this Court in **Anju Garg Vs. Shashi Bhushan Garg, 2014 [1] RCR [Civil] 75.**

In the present case, concededly, the husband has already filed a petition under Section 6 of the 1956 Act which is pending at Sonapat. If the husband chose to file this petition at Sonapat, it is not understandable as to why he is resisting the transfer of the petition filed under Section 13 of the Act from Hissar to Sonapat. Hence, the authority cited by the respondent is of no help to him.

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

Sequelly, the petition under Section 13 of the Act pending before District Judge, [Family Court], Hissar is transferred to the Court of District Judge, [Family Court], Sonapat. 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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