

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.503 of 2014

Date of Decision: April 21, 2015

Rajwinder Sood

...Applicant

Versus

Vikas Sood

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.P.Soi, Advocate
for the applicant.

Mr.R.V.S.Chugh, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Rajwinder Sood has filed this application under Section 24 CPC against Vikas Sood for transfer of petition filed by the respondent under Section 13 of the Hindu Marriage Act pending in the Court of learned Addl. District Judge, Bathinda to any other Court of competent jurisdiction at Jalandhar.

Notice of motion was issued and learned counsel for respondent appeared and filed reply contesting the application.

At the time of arguments, learned counsel for the applicant argued that the applicant is residing in District Jalandhar and respondent-husband has filed petition under Section 13 of the Hindu Marriage Act at Bathinda, which is at a distance of 160 kms. He

further argued that the applicant is also to take care of her minor son, she resides with her parents and it is difficult for her to bear the expenses of litigation. He next argued that applicant has no source of income and respondent has not paid any maintenance or litigation expenses.

On the other hand, learned counsel for the respondent argued that applicant's uncle is Assistant Sub Inspector in Police posted at Jalandhar and there is threat to the respondent that whenever he will visit Jalandhar, he would be involved in NDPS Act case.

After going through the record and after hearing learned counsel for the parties, I find that applicant-wife is residing at Jalandhar, which is more than 150 kms. from Bathinda. She has no source of income. She also has a minor child. Lot of inconvenience would be caused if she has to travel from Jalandhar to Bathinda.

For transferring the petition, convenience of wife is to be seen. It is also the case of the applicant that she has no money to bear the litigation expenses and maintenance has not been paid yet. It is also the case of the applicant that she has already filed complaint under Section 406 and 498-A IPC against respondent, which is pending before Women Cell, Jalandhar.

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 Addl. District Judge, Bathinda is

transferred to the Court of District Judge, Jalandhar. The parties are directed to appear before learned District Judge, Jalandhar on 07.05.2015. Learned District Judge, Jalandhar may keep the case with him or entrust the same to some other competent Court at Jalandhar for disposal in accordance with law.

April 21, 2015
Vgulati

(INDERJIT SINGH)
JUDGE