

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

TA No.506 of 2014.  
Decided on:-27.5.2015.

Smt. Meenu.

.....Petitioner.

Versus

Lt. Col. Arun Devgan.

.....Respondent.

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

Present:- Mr. Rajesh Gaur, Advocate  
for the petitioner.

Mr. V.K. Gupta, 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, from Gurgaon to Yamuna Nagar as the petitioner is residing alongwith her parents at Yamuna Nagar which is approximately 260 Kms. away from Gurgaon.

2. It is also urged that the petitioner-wife has instituted a petition under Section 9 of the Act against the respondent-husband, which is pending adjudication in the court at Yamuna Nagar. Besides this, she has also filed a petition, interalia, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent-husband which is also pending in the court at Yamuna Nagar.

3. Counsel for the respondent, on the other hand, citing **Anindita Das Versus Srijit Das 2006(9) SCC 197** and **Preeti Sharma Versus Manjit Sharma** in **Transfer Petition (Civil) No.117-18 of 2004** decided by the Hon'ble Supreme Court on 29.4.2005, has urged that merely because the petitioner is a lady and has to travel a long distance from Yamuna Nagar to Gurgaon i.e. 260 Kms. ipso facto would not be a ground for transfer of the petition from Gurgaon to Yamuna Nagar as the respondent is in a position to pay travel and other expenses to the petitioner.

4. In the present case, another case filed by the petitioner-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is pending against the respondent-husband before Judicial Magistrate 1<sup>st</sup> Class, Yamuna Nagar at Jagadhri.

5. When questioned that the respondent is already facing a criminal trial at Yamuna nagar and if this petition is also transferred from Gurgaon to Yamuna Nagar, what prejudice would be caused to him, no explanation has come forth from the respondent-husband. Rather, it transpires that the respondent is working as a Lieutenant Colonel in the Indian Army and is posted at Akhnoor (Jammu). For pursuing his petition under Section 13 of the Act, he has to travel upto Gurgaon. If he travels upto Yamuna Nagar on transfer of the petition from Gurgaon to Yamuna Nagar, he will not be discriminated against or prejudiced at all.

6. Keeping in view the facts and circumstances as mentioned hereinbefore, the request of the petitioner-wife is allowed.

7. Sequelly, the petition under Section 13 of the Act pending before Additional District Judge (Family Court), Gurgaon is transferred to District Judge, Yamuna Nagar, who may further assign the same to the court of competent jurisdiction there. Both the concerned District Judges to

comply.

8. Disposed of accordingly.
9. Copy Dasti on usual charges.

**(Dr. Bharat Bhushan Parsoon)**  
**Judge**

**May 27, 2015**

'Yag Dutt'