

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.558 of 2014

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Date of decision:9.4.2015

Anju

.....Petitioner

v.

Jaswant

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Rajbir Sehrawat, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. for transferring the petition filed under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage by a decree of divorce titled as "Jaswant v. Anju" (Annexure-P.1) pending in the Court of learned Additional District Judge, Jhajjar to the competent Court at Bhiwani.

It is mainly stated in the petition that the present petitioner is living at Village Ranila near Bhiwani with her old parents and she has to go to Jhajjar, which is a place nearby about 90 Kms. from Bhiwani. It is also stated that the petitioner has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is pending

in the Court of learned Judicial Magistrate Ist Class, Charkhi Dadri (Bhiwani). Another application under Section 125 Cr.P.C. has been filed for maintenance and a case under Sections 498-A, 406, 323, 506 and 34 IPC has also been filed. The father of the petitioner had given a car in dowry and the petitioner has also filed a civil suit for peaceful use of the said car, which is pending in the Court of Civil Judge (Junior Division), Charkhi Dadri.

Notice of motion was issued in this case.

Mr. Rajbir Sehrawat, learned counsel has put in appearance on behalf of the respondent and contested this petition.

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

At the time of arguments, it is argued by learned counsel for the petitioner that the petitioner has one younger brother, who is studying and cannot accompany her to attend the Court proceedings and the father of the petitioner is also an old person. It is argued that three cases are pending at Charkhi Dadri Sub Division of Bhiwani Sessions Division and one proceeding under Section 125 Cr.P.C. is pending at Bhiwani. The learned counsel for the petitioner argued that if this case is also transferred, then one date can be taken in all the cases.

On the other hand, learned counsel for the respondent argued that the petitioner is residing at Village Ranila, which is in between Jhajjar and Bhiwani. Three cases are pending at Charkhi Dadri Sub Division and the present case cannot be transferred to Charkhi Dadri. One case is

pending at Bhiwani. He further argued that even if the case is transferred, the position will remain the same. Younger brother and old father of the petitioner even then will not be able to accompany her.

After going through the record and after hearing learned counsel for the parties, I find that at the time of arguments, learned counsel for the petitioner admitted that the distance from Village Ranila to Jhajjar is 40 Kms. and from Village Ranila to Bhiwani is about 35 Kms. which means the petitioner is to travel over to Jhajjar or to Bhiwani almost the same distance. The fact that younger brother and old father of the petitioner cannot accompany the petitioner, there will be no difference even if the case is transferred to Bhiwani and the position will remain the same as the petitioner has to cover almost the same distance. Three cases, as stated in the petition, are pending at Charkhi Dadri Sub Division of Bhiwani Sessions Division and another case is pending at Bhiwani. Therefore, even if this case is transferred, even then in all the cases one date cannot be fixed as the cases are already pending at two places. Therefore, even if the case is transferred, there will be no convenience to the petitioner and if the case is remained pending at Jhajjar, then there should be no inconvenience to the petitioner.

Therefore, keeping in view the facts and circumstances of the present case, I do not find any ground to transfer the case from Jhajjar to Bhiwani. Consequently, the petition is dismissed.

April 9, 2015.

(Inderjit Singh)
Judge

hsp