

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

TA No.564 of 2014.

Date of Decision: 26.11.2015.

Komal Rani @ Komal Baweja @ AnuradhaPetitioner.

VERSUS

Gulzari LalRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Respondent Gulzari Lal in person with
Mr. Parminder Singh, Advocate.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Komal Rani @ Komal Baweja @ Anuradha-wife seeking transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by the respondent-husband from the Court of District Judge, Family Court, Ambala to a Court of competent jurisdiction at Jalandhar.

The submissions made by Mr. Sandeep Arora, learned counsel representing the petitioner and Mr. Parminder Singh, learned counsel representing the respondent have been heard.

Learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized in the year 1998 and four children, three sons and a daughter were born out of the wedlock who are presently in custody of the respondent. She was maltreated by the respondent and was turned out of the matrimonial home. Under compelled circumstances, she is residing with her parents at Jalandhar. She has filed a petition under Section 125 of the Code of Criminal Procedure claiming maintenance from the respondent which is pending in the Court of Judicial Magistrate Ist Class, Jalandhar. The respondent has since filed a petition under Section 13 of the Act of 1955 for dissolution of the marriage before District Judge, Family Court, Ambala. The distance between Jalandhar and Ambala is nearly 200 kilometers. Submitting that it is difficult for the petitioner to frequently travel such a long distance to attend the hearings in the Court at Ambala, learned counsel prayed that the petition pending at Ambala be transferred to Jalandhar.

The prayer of the petitioner for transfer of the petition has been opposed by the respondent. Learned counsel for the respondent submitted that all the four children of the parties aged 15, 14, 12 and 10 years respectively are living under the care and custody of the respondent and the petitioner has never bothered to enquire about their welfare. In case the petition is transferred, it will become difficult for the respondent to take care of the children and also pursue his petition at a place which is about 200 kilometers away from the place where he is residing.

On the last date of hearing, parties to the lis were directed to appear in person. The respondent is present alongwith his son but the petitioner has not appeared. Considering the peculiar facts of the case and

also that it is respondent who is single handedly taking care of the children and there is nothing to suggest that the petitioner is unable to travel from one place to another, in my considered opinion, no case for transfer of the petition from Ambala to Jalandhar is made out and the transfer application filed by the petitioner is dismissed.

(SNEH PRASHAR)
JUDGE

26.11.2015.

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