

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.601 of 2014

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Date of decision:23.4.2015

Alka Yadav

.....Petitioner

v.

Deepak Yadav

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Shubham, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. as amended read with Section 151 C.P.C. for transferring the petition titled as “Deepak Yadav Versus Alka Yadav and another” filed by the respondent/husband under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as ‘the Act’) as amended for taking divorce from the petitioner/wife pending in the Court of District Judge, Rewari to the Court of District Judge, Gurgaon.

Notice of motion was issued in this case. Mr. Shubham, learned Advocate 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, learned counsel for the petitioner argued that one criminal case under Sections 406 and 498-A IPC is already pending at Gurgaon against the respondent. The petitioner has no source of income. She has to take along with her one person to attend the proceedings at Rewari. It is also argued by learned counsel for the petitioner that the respondent being influential person may cause threat to the petitioner and her family. The petitioner and her family do not have good financial status and they cannot afford to go on every hearing to Rewari.

On the other hand, learned counsel for the respondent contested this petition and stated that the distance between Rewari and Gurgaon is only about 65 Kms. The respondent is employed in Air Force and posted at Mumbai and the petitioner can easily go to Rewari to attend the proceedings.

From the record, I find that in the transfer application as per law the inconvenience to the wife is to be seen. As regards the inconvenience of the respondent-husband, he is stated to be posted at Mumbai. In criminal case registered for the offences under Sections 406 and 498-A IPC, he is also to appear at Gurgaon. Therefore, no inconvenience will be caused to the respondent if the case is transferred to Gurgaon. Secondly, the petitioner has to go to Rewari along with one male person and has to spend lot of money.

Keeping in view the facts and circumstances of the present case and inconvenience caused to the petitioner and there being no prejudice

caused to the respondent, I accept this transfer petition. The petition filed under Section 13 of the Act titled as “Deepak Yadav Versus Alka Yadav and another” pending at Rewari is transferred to District Courts at Gurgaon.

The parties are directed to appear in the Court of learned District Judge, Gurgaon on 13.5.2015. The District Judge, Gurgaon will be at liberty to keep this case with him or can entrust the same to any of the competent Court at Gurgaon for disposal as per law.

The petition is allowed accordingly.

April 23, 2015.

(Inderjit Singh)
Judge

hsp