

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

(214)

TA-649-2013 (O&M)

Decided on: February 08, 2016.

Babita

.... Petitioner

Versus

Yogesh

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

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

Mr. R.S. Rana, Advocate, for the respondent.

M.M.S. BEDI, J (ORAL)

This is a petition under Section 24 of the Code of Civil Procedure of wife for transfer of petition under Section 13 of the Hindu Marriage Act titled Yogesh Vs. Babita from Palwal to Gurgaon.

The respondent-husband has filed a petition under Section 13 of the Hindu Marriage Act at Palwal. The petitioner-wife claims that on account of two other proceedings i.e. application under Section 125 Cr.P.C and petition under Section 12 of the Prevention of Women from Domestic Violence Act being pending at Palwal, it will be expedient, in the interest of justice, to transfer the divorce petition filed by the husband from Palwal to Gurgaon. The petitioner-wife is resident of Gurgaon.

Learned counsel for the respondent-husband has vehemently contended that there are two minor children being looked after by the respondent and that it will be difficult for him to pursue his application

under Section 13 of the Hindu Marriage Act by going to Gurgaon from Palwal.

The distance between Palwal to Gurgaon is admittedly between 50 to 60 km. It is also admitted that proceedings under Section 125 Cr.P.C and Section 12 of the Prevention of Women from Domestic Violence Act are pending at Gurgaon which are being contested by the husband by going from Palwal to Gurgaon.

Taking into consideration the distance between Palwal and Gurgaon, other proceedings being pending at Gurgaon and taking into consideration the convenience of the lady, it will be expedient, in the interest of justice to transfer the divorce petition filed by respondent from Palwal to Gurgaon. The petition is allowed. Divorce petition under Section 13 of the Hindu Marriage Act pending in the Court of Mr. R.K. Dogra, Addl. District Judge, Palwal is ordered to be transferred to Gurgaon. The entire record of the case complete in all respects be sent to the District Judge, Gurgaon for 14.03.2016. Parties are directed to appear before the District Judge, Gurgaon on 14.03.2016 for further proceedings in accordance with law.

(M.M.S. BEDI)
JUDGE

February 08, 2016
harsha