

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

Transfer Application No.464-2016 (O&M)
Date of decision: August 26, 2016

Archana Birdi

...Petitioner

Versus

Yogesh Birdi

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Jaspal Kaur Gurna, Advocate for the petitioner.
Mr. Samrath Sagar, Advocate for the respondent.

Rajan Gupta, J.(oral)

Petitioner, who is wife of respondent, seeks transfer of proceedings under section 13 of the Hindu Marriage Act pending at Jalandhar to Chandigarh.

Prayer has been opposed by counsel representing the respondent-husband. He submits that husband is ready to bear the travel expenses of the petitioner to defend the case at Jalandhar.

On behalf of the petitioner it is urged before the court that petitioner was thrown out of the matrimonial home. She is living at Chandigarh at present. A petition under Section 125 Cr.P.C. seeking maintenance has been filed at Chandigarh. Proceedings in another case under The Protection of Women from the Domestic Violence Act, 2005 are already pending at Chandigarh. She is living with her old parents and has no source of income. It is, thus, difficult to defend the proceedings at Jalandhar.

I am of the considered view that petition deserves to be allowed in view of judgments of the Supreme Court reported as *Madhu Saxena vs. Pankaj Saxena, 2005 (13) SCC 158* and *Swaranjit Kaur vs. Swaran Singh Sohi, 2009 AIR (SC) 1512*. Ordered accordingly. It is directed that the proceedings under section 13 of the Act pending at Jalandhar be transferred to competent court at Chandigarh.

(RAJAN GUPTA)
JUDGE

August 26, 2016
'Rajpal'