

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

TA No.799 of 2015

Date of decision: 15.03.2016

Rekha

... Applicant

Vs.

Vinay Talwar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Gurna, Advocate
for the applicant.

Mr. Amit Dhawan, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant-wife seeks transfer of a petition under Section 13 of the Hindu Marriage Act, 1955 ('the Act' for short) filed by the respondent-husband at Jalandhar to a Court of competent jurisdiction at Ludhiana.

Notice of motion was issued. Service is complete but no reply has been filed.

Heard learned counsel for the parties.

It is undisputed between the parties that proceedings under Section 125 Cr.P.C. were already pending at Ludhiana at the instance of the applicant-wife. Another litigation under the Protection of Women from Domestic Violence Act, 2005 was already pending at Ludhiana at the instance of the applicant-wife. She is living with her mother at Ludhiana and in this view of the undisputed fact situation, it would not only be inconvenient but very difficult for the applicant-wife to pursue the litigation

imposed on her by the respondent-husband under Section 13 of the Act, while going to Jalandhar on every date of hearing. Further, learned counsel for the respondent could not point out any reason, as to why proceedings under Section 13 of the Act, pending at Jalandhar be not transferred to Ludhiana.

In view of the above, this Court is of the considered opinion that it would be in the interest of justice to transfer the proceedings under Section 13 of the Act from Jalandhar to Ludhiana, so as to avoid any unwarranted harassment to the applicant-wife. It is so said because convenience of the applicant-wife is one of the relevant considerations in the matters of transfer applications.

In view of what has been discussed hereinabove, instant application deserves to be accepted and the same is hereby allowed. Petition under Section 13 of the Act titled as Vinay Talwar Vs. Rekha pending consideration at Jalandhar, is directed to be transferred to Ludhiana. Accordingly, learned District Judge, Jalandhar is directed to send the complete record of case to the learned District Judge, Ludhiana at an early date and in any case within a period of one month from the date of receipt of certified copy of this order. Learned District Judge, Ludhiana is also directed either to decide the case himself or to assign the case to the learned Court of competent jurisdiction for its early decision, in accordance with law.

With the abovesaid observations made and directions issued, present application stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

15.03.2016
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