

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

206

TA-5 of 2017 (O&M)

DATE OF DECISION: 22.03.2017.

Asha @ Neelam

...Applicant.

VERSUS

Ashok Kumar

....Respondent.

CORAM : HON'BLE MR. JUSTICE (DR.) SHEKHER DHAWAN

Present: Mr. Rakesh Gupta, Advocate
for the applicant.

Mr. Rakesh Nuniwal, Advocate
for the respondent.

Shekher Dhawan, J.

Present petition is qua transfer of the case bearing HMA No.38/22.08.2016 titled 'Ashok Kumar Vs. Asha alias Neelam' from Jhajjar to any Court of competent jurisdiction at Nuh.

Learned counsel for the petitioner contended that two other matrimonial cases are pending at Nuh and the petitioner is unable to travel from Jhajjar because of financial constrains, so the petition pending at Jhajjar be transferred to Nuh.

Learned counsel for the respondent while objecting to the transfer application took the plea that one minor child is staying with the respondent and distance between Jhajjar to Nuh is about 100 k.m. only and the petitioner can conveniently travel from Nuh to Jhajjar, so the applicant's petition be dismissed.

Having heard learned counsel for the parties and taking into consideration the fact that petitioner is residing at Nuh, where she is already

continuing with two litigations regarding matrimonial dispute and it will be

certainly difficult for her to travel from Nuh to Jhajjar. In such like matters of matrimonial disputes between husband and wife, the convenience of the wife and, more particularly, the minor child of the marriage, must be taken into account. Similar view was taken by the Hon'ble Apex Court in **Amita Shah vs. Virender Lal Shah, 2003 (10) SCC 609**. As such, present transfer petition is accepted and case No.38/22.08.2016 is withdrawn from the Court at Jhajjar and is transferred to the Court at Nuh. The file be sent to the Court of District and Sessions Judge, Nuh, who either keep the petition himself or entrust the same to any other Court of competent jurisdiction at Nuh.

The parties are directed to appear before the District Judge, Nuh on 25.05.2017.

(SHEKHER DHAWAN)
JUDGE

22.03.2017.

komal

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No