

TA No.1000 of 2017

{1}

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

TA No.1000 of 2017

Date of decision:29.08.2018

Navdeep Kaur

... Petitioner

Vs.

Sandeep Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Payel Mehta, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

The present transfer application has been filed at the instance of wife for transfer of petition No.HMA-500/2017 (Annexure P-1) filed under Section 13 of Hindu Marriage Act, titled as “Sandeep Singh Vs. Navdeep Kaur” pending in the Court of Additional District and Sessions Judge, SAS Nagar to the Court of competent jurisdiction at Ludhiana, in which the petitioner has not put in appearance. On receipt of the summons to appear before the Court below on the next date, petitioner filed the present petition, wherein, this Court had issued notice of motion on 16.12.2017 with a rider that the Court below will not press for reply.

Learned counsel for the petitioner submits that the marriage between the parties was solemnized at Ludhiana. However, matrimonial home of the petitioner after marriage was at Mohali. Owing to discord, the parties are living separately. The petitioner filed petition under Section 125

of Cr.P.C for grant of maintenance and another application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent, therefore, it would be in the fitness of things and in the interest of justice, if the divorce petition is transferred to the competent Court at Ludhiana as the petitioner-wife is living there.

Learned counsel appearing on behalf of the respondent-husband submits that in civil matter, the wife need not to appear for hearing except for reconciliation or at the stage of cross-examination of husband or her cross-examination and thus, urges this Court for dismissal of the petition.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Bawa. The distance between Ludhiana and Mohali is hardly 90 kilometers. Concededly, matrimonial home of the petitioner after marriage was Mohali, therefore, she can appear through counsel and contest the divorce petition on merits but the petition cannot be transferred at the drop of the hat owing to pendency of matters.

No ground is made out for interference.

The petition is dismissed.

(AMIT RAWAL)
JUDGE

August 29, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No