

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

TA-693-2017

Date of decision:-4.12.2018

Abhilasha

...Petitioner

Versus

Sumit Suhag

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Manoj Sharma, Advocate
for the petitioner.

Mr.Saurabh Dalal, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, applicant – Abhilasha seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Sumit Suhag pending in the Court of District Judge, Family Court, Jhajjar to any other Court of competent jurisdiction at Panipat.

Inter alia, in the application, it is submitted that after marriage between her and the respondent on 22.2.2016, they started residing together and were blessed with a child, who was aged about 7 months at the time of filing of the petition (18.8.2017). Unfortunately, a

matrimonial discord arose between the spouses. The petitioner along with her minor son came to reside with her parents at village Siwah, District Panipat. Her husband has filed a petition for divorce, which is pending in the Court of District Judge, Family Court, Jhajjar. According to the petitioner, she being a poor lady having a minor child to look after, it is difficult for her to attend the dates of hearing in the Court at Jhajjar since distance from Panipat to Jhajjar is more than 120 kms. on one side. Therefore, the petition be accepted.

Notice of the petition was given to respondent, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the respondent has contended that he has no objection, if the petition is transferred from the Court at Jhajjar to any other Court at nearby places to Panipat. However, he has got an apprehension that if case is transferred to the Court at Panipat, then the respondent may be subjected to physical harm at the hands of family of the petitioner.

However, I find that keeping in view the fact that the applicant has got a small child to look after and it would be difficult for her to travel to a place far of from her village Siwah, District Panipat to attend the dates of hearing and it would be proper and appropriate, if the divorce petition in question is transferred to the Court at Panipat. The apprehension expressed by the respondent can be taken care of by issuing a necessary direction to Superintendent of Police, Panipat.

Therefore, the application stands allowed and the petition

under Section 13 of Hindu Marriage Act, 1954 titled 'Sumit Suhag Versus Abhilasha' pending in the Court of District Judge, Family Court, Jhajjar is ordered to be transferred to the Court of District & Sessions Judge, Panipat. Learned District & Sessions Judge, Panipat may keep the petition himself or assign it to any other Additional District Judge, Panipat. The parties are directed to appear before District & Sessions Judge, Panipat on 14.1.2019.

Furthermore, Superintendent of Police, Panipat is directed to ensure that no physical harm is caused to the respondent Sumit Suhag when he appears in the Court to attend the dates of hearing.

Copy of this order be sent to District & Sessions Judge, Panipat as well as District & Sessions Judge, Jhajjar and Superintendent of Police, Panipat for information and necessary compliance.

(H.S.MADAAN)
JUDGE

4.12.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No