

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

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**TA No.224 of 2018 (O&M)
Date of Decision : 30.11.2018**

Yogita

..... Applicant

Versus

Sunil Kumar Deswal

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sumit Sharma, Advocate
for the applicant.

Mr. Sumit Sangwan, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This transfer application has been filed by the applicant-wife to transfer a petition filed by the respondent-husband under Section 13-I (ia) of the Hindu Marriage Act, 1955 from the District Court, Jhajjar to a competent Court at Bhiwani.

The ground taken is that there are other cases arising out of the same marriage which are pending at Bhiwani.

Counsel for the respondent states that actually the fact of the matter is that the applicant is residing at Delhi and for her to go to Jhajjar would rather be easier than going to Bhiwani.

In my opinion, the crucial determent in this case is that there are three cases which are already pending at Bhiwani. On the comparative hardship tests it would be appropriate if the divorce petition filed by the respondent at trial Court, Jhajjar is transferred to the District Judge (Family Court) Bhiwani.

In the circumstances, the application is allowed. The record be sent to the Court of District Judge (Family Court) Bhiwani. Parties through counsel are directed to appear before the District Judge (Family Court) Bhiwani on 28.12.2018 who can try the case himself or mark the same to other competent court.

Consequently, the transfer application stands allowed in the above terms.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

30.11.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No