

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

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[TA No.48 of 2018 \(O&M\)](#)  
[Date of Decision : 6.8.2018](#)

Meenu Sharma

... Petitioners

Versus

Rajiv Kumar

.... Respondent

**CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present:- Mr.Lokesh Vohra, Advocate  
for the petitioners

Ms.Natasha Munjal, Advocate for the respondent.

**Harinder Singh Sidhu, J.**

Petitioner has filed the present petition under Section 24 of the CPC for transfer of the case tiled as “**Rajiv Kumar** Versus **Meenu Sharma**” under *Section 13 of the Hindu Marriage Act, 1955* (for short the 'Act) filed by the respondent-husband which is pending in the Court of learned Addl. District Judge (Family Court) Hoshiarpur to a court of competent jurisdiction at Ferozepur.

It is stated that marriage of the petitioner was solemnized with the respondent on 18.9.2010. Parties do not have a child. The petitioner after being thrown out from the matrimonial home in May, 2012, has been living in a rented accommodation at Ferozepur with her mother. Father of the petitioner has already passed away. It is stated that distance between Ferozepur to Hoshiarpur is about 160 kms (one side). It is very difficult for the petitioner to attend court proceedings at Hoshiarpur.

Learned counsel for the petitioner states that already two cases; (i) appeal against order passed under Section 12 of the **Protection of Women from Domestic Violence Act, 2005**; (ii) a criminal case under Section 498A and 406 IPC, filed by the petitioner in which respondent is

facing the trial. The respondent is already appearing in those cases.

Learned counsel for the respondent states that the respondent met with an accident on 7.4.2018 in which he sustained fracture on his both legs. He had undergone treatment at Narad Hospital, Hoshiarpur and was advised to take rest for three months w.e.f. 12.4.2018. She states that respondent has not fully recovered from the said injuries and he is not in a position to attend court proceedings at Ferozepur.

Be that it may, considering the facts and circumstances of the case, it is deemed expedient that the petition filed under Section 13 of the Hindu Marriage Act, for dissolution of marriage by a decree of divorce which is pending before the Court of learned District Judge, Hoshiarpur be transferred to a Court of competent jurisdiction at Ferozepur. Accordingly, this petition is allowed. The petition under Section 13 of the Hindu Marriage Act pending in the Court of learned District Judge, Hoshiarpur is withdrawn from that court and transferred to Ferozepur. The learned District Judge, Ferozepur may assign it to a competent court at Ferozepur.

It would be open for the petitioner to move an appropriate application for his exemption from appearing in the Court based on his medical condition, which would be decided by the Court as per law.

**(Harinder Singh Sidhu)**  
**Judge**

06.08.2018  
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Whether speaking/ reasoned: Yes/No  
Whether Reportable: Yes/No