

In the High Court of Punjab and Haryana at Chandigarh

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TA No.532 of 2018

Date of decision: 11.10.2018

SHEENU

.....petitioner

Versus

LALIT KUMAR @ LUCKY

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Harish Khanna, Advocate,
for the petitioner.

Ms.Benti Kaur, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(oral)

Petitioner has filed this petition for transfer of divorce petition under Section 13 of the Hindu Marriage Act titled 'Lalit Kumar @ Lucky vs Sheenu' from the court of District Judge, Patiala to the court of competent jurisdiction at Chandigarh.

At the time of issuance of notice of motion on 2.7.2018, following order was passed:-

“This is a petition under Section 24 of the Code of Civil Procedure, 1908 for transfer of divorce petition under Section 13 of the Hindu Marriage Act filed by the respondent-husband, pending before the Court of learned District Judge, Patiala.

Learned counsel for the petitioner states that the petitioner is suffering from bipolar disease

and is undergoing treatment at Govt. Medical Hospital, Sector-32, Chandigarh. Her father also had paralytic stroke on 19.07.2017 and is still undergoing treatment. Now there is no one to accompany her to Patiala to defend the proceedings in divorce petition filed by the respondent. She seeks transfer of the case from Patiala to Chandigarh.

Notice of motion for 07.08.2018.

Till the next date of hearing, proceedings in the petition filed under Section 13 of the Hindu Marriage Act, which are pending before the learned District Judge, Patiala, shall remain stayed.”

Petitioner is stated to be suffering from bipolar disease and is undergoing treatment in Govt. Medical Hospital, Sector 32, Chandigarh. Father of the petitioner is confined to bed on account of paralytic stroke.

Learned counsel for the respondent submits that the matter can be placed before the Mediation and Conciliation Centre of this Court for amicable resolution of the dispute.

In view of ratio laid down in **Sumita Singh vs Kumar Sanjay and another, AIR 2002 SC 396** and **Neelam Kanwar vs Devinder Singh Kanwar, (2000) 10 SCC 589**, convenience of the womenfolk is to be appreciated unless and until it causes irreparable loss to the husband.

For the reasons recorded herein above, I deem it appropriate to transfer the petition under Section 13 of the Hindu Marriage Act titled 'Lalit Kumar @ Lucky vs Sheenu' from the court of District Judge, Patiala to the court of District and Sessions Judge, Chandigarh who will assign appropriate court to the case on receipt of the record. In view of nature of controversy involved, the assignee Court would order for mediation before the Mediation and Conciliation Centre of the District Court.

Petition stands disposed of accordingly.

October 11, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking	Yes/No
Whether reportable	Yes/No