

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

TA No.604 of 2018

Date of decision:30.08.2018

Rani

... Petitioner

Vs.

Trilok Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S.S.Mor, Advocate
for the petitioner.

Mr. Anil Rathee, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

The present application has been filed on behalf of the petitioner -wife for transferring the case under Section 13 of Hindu Marriage Act, 1955 (for short “1955 Act”) titled as “Trilok Kumar vs. Rani” pending for cross-examination of the husband's evidence in the Court of Additional District & Sessions Judge, Sonapat and as well as petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short “2005 Act”) titled as “Smt. Rani Vs. Trilok Kumar”, pending before the Court of JMIC, Sonapat to the competent Court at Bahadurgarh District Jhajjar.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is resident of Bahadurgarh, District Jhajjar and therefore, the divorce petition may be transferred to Bahardurgarh for the convenience of

wife as one more complaint is pending at Bahardurgarh.

Mr. Anit Rathee, learned counsel appearing on behalf of the respondent submitted that petition under 2005 Act filed by the wife is pending before the Court at Sonapat and other petition under Section 13 of 1955 Act, in which for the last 20 years, wife is not coming forward for cross-examination of husband. It is a ploy to delay the trial and therefore, no ground is made out for transfer 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. Mor, for, distance between Bahadurgarh and Sonapat is about 45 kilometers. Concededly, wife is already appearing in the petition under Section 12 at Sonapat.

I cannot remain unmindful of the fact that zimni order shown to me during the course of hearing revealed that wife and her counsel are not coming forward for cross-examination of the husband.

No ground is made out for transfer of the petitions.

Resultantly, the transfer application is dismissed.

(AMIT RAWAL)
JUDGE

August 30, 2018

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No