

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 636 of 2018(O&M)
Date of decision:- 11.09.2018

Jyotsna Grewal .. Petitioner
vs.
Sanjeev Kumar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Gurbachan Singh Bhatia, Advocate
for the petitioner.

Ms. Kiranjeet Kaur, Advocate for
Mr. Ravinder Malik (Ravi), Advocate
for the respondent.

Harinder Singh Sidhu, J.

The petitioner-wife has filed the present transfer application under Section 24 of the Code of Civil Procedure for transfer of petition under Section 13 of the Hindu Marriage Act bearing No. HMA 310/2018 titled as 'Sanjeev Kumar vs. Jyotsna Grewal', filed by the respondent, which is pending in the Court of learned Additional District & Sessions Judge, Yamuna Nagar to the Court of competent jurisdiction at Kurukshetra.

It is stated that the marriage between the petitioner and the respondent was solemnized on 14.12.1999. After the marriage they started living at Kurukshetra. At that time, the petitioner was working as Lecturer and was posted at Radaur and used to go daily from Kurukshetra to Radaur. In December, 2001 the respondent was appointed as Lecturer in English in Government College, Garaundha, District Karnal. He also used to go daily from Kurukshetra to attend his duty at Gharaunda and come back. On 10.03.2004 a son was born to the parties and they continued living at Kurukshetra. Father of the petitioner died in the year 2006 leaving behind two sons, his widow and a daughter (petitioner). One of the brothers of the petitioner is in the United States of America and the other is working at

Delhi. There is no one to look after the aged mother of the petitioner. In the year 2008 the petitioner and respondent shifted to Karnal and started living there in a rented accommodation. They shifted to Kurukshetra where the petitioner purchased a house No. 341, Sector 2, which is opposite to Sector -5 where the house of the mother of the petitioner is located. It is also stated that their son namely Arjun is also studying in DAV School at Kurukshetra. From 2009 to 2012 the parties resided together at Kurukshetra. Thereafter the husband of the petitioner left the company of the petitioner.

The petitioner is presently posted at Dayal Singh College, Karnal whereas the respondent is also working in a College at Karnal. However, he has filed the petition under Section 13 of the Hindu Marriage Act at Yamuna Nagar, which is at a distance of about 50 KMs from Kurukshetra. It is stated that if the case is transferred from Yamuna Nagar to Kurukshetra, there will be no hardship to the respondent as he is presently posted at Karnal.

Considering the facts and circumstances of the case, this petition is allowed. The petition under Section 13 of the Hindu Marriage Act titled as 'Sanjeev Kumar vs. Jyotsna Grewal', filed by the respondent, which is pending in the Court of learned Additional District & Sessions Judge, Yamuna Nagar is withdrawn from the said Court and transferred to Kurukshetra. The District Judge, Kurukshetra may assign it to any competent Court.

(Harinder Singh Sidhu)
Judge

11.09.2018
dinesh

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No