

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

TA No. 86 of 2018

Date of Decision: 20.08.2018

Manjeet

-Petitioner

Vs

Nitin Luthra

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parampreet Singh Paul, Advocate,
for the petitioner.

Mr. I.S. Pabla, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner has filed this petition for transfer of petition under Section 13(1) (1-a) of Hindu Marriage Act bearing HMA No.349 of 2017 titled 'Nitin Luthra vs Smt. Manjeet' from the court of Additional District and Sessions Judge, Panchkula to the court of competent jurisdiction at Kapurthala on the ground that matrimonial discord between the parties led to the parties to file different cases at different places.

2. Respondent-husband filed a petition under Section 13 of Hindu Marriage Act at Panchkula whereas petitioner-wife has filed a petition under Section 125 Cr.P.C. at Phagwara. Police complaint filed by the petitioner is also pending consideration before Women Cell at Kapurthala where the

respondent has already appeared.

3. Petitioner is a lady having minor daughter of one year of age. The convenience of the womenfolk is to be given weightage for transfer of the case to the place where the lady is residing, unless it is shown that there are special reasons not to do the same.

4. Apparently, distance between Panchkula and Kapurthala is more than 150 kms. The wife has already resorted to proceedings under Section 125 Cr.P.C. at Phagwara. The complaint to S.S.P. Kapurthala is pending consideration before the Women Cell. Even FIR has been registered against the respondent in Police Station City Kapurthala.

5. In view of ratio of **Sumita Singh vs Kumar Sanjay and another, AIR 2002 SC 396** and **Neelam Kanwar vs Devinder Singh Kanwar, (2000) 10 SCC 589**, I deem it appropriate to transfer HMA petition No.349 of 2017 titled 'Nitin Luthra vs Smt. Manjeet' to the court of District and Sessions Judge, Kapurthala who will assign appropriate court to the case on receipt of the record.

6. Disposed of.

20.08.2018

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No