

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

T.A. No. 1095 of 2018

DATE OF DECISION :- February 08, 2019

Harsh

...Applicant

Versus

Ashish Narwal

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Tajinder Kaur, Advocate for the applicant.

Mr. Kulbir Narwal, Advocate for the respondent.

By way of filing the present application, applicant Harsh, aged about 40 years, estranged wife of Ashish Narwal-respondent seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Ashish Narwal against her having title 'Ashish Narwal Vs. Harsh' pending in the Court of District Judge, Sonapat to the Court of competent jurisdiction at Mohali.

Interalia in the application it is contended that the marriage between the parties performed on 13.6.2014 ran into rough weather. The applicant had given birth to a male child namely master Adhiraj from the loins of respondent on 16.4.2015. Due to differences between the spouses, the applicant had to leave the matrimonial home along with the minor son of the parties and start residing with her parents. The respondent has filed a

divorce petition against her. According to the applicant, she being a young woman, taking care of minor son of the parties, it is difficult for her to travel from Dera Bassi to Sonapat, covering a distance of about 200 kms on one side so as to attend the dates of hearing there. Further more, she apprehends physical harm at the hands of the respondent, inasmuch as she and minor son were assaulted and caused injuries by the respondent on 27.7.2016. They were medico legally examined. Copy of MLRs have been attached, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel and is vehemently opposing the application submitting that story of applicant and minor son of the parties being assaulted by the respondent is false. As a matter of fact, respondent is working and posted at Gohana, District Sonapat. He is to take care of his old aged parents who were suffering from various diseases, therefore, the application be not accepted.

I have heard learned counsel for the parties besides going through the record.

I find that as held by the Apex Court on several occasions in cases of marital disputes between the parties, convenience of wife is to be kept in mind. Therefore, ends of justice demand that application should be accepted since comparative inconvenience to the applicant shall be much more if the same is declined. Therefore, the same is allowed. The petition in question is ordered to be withdrawn from the Court of District Judge, Sonapat and transferred to the Court of District Judge, S.A.S. Nagar, Mohali for disposal in accordance with law. Learned District Judge, S.A.S. Nagar,

Mohali may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 11.3.2019. Copies of orders be sent to the Court of District Judge, Sonapat as well as to the Court of District Judge, S.A.S. Nagar, Mohali for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 08, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No