

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 759 of 2018 (O&M)

Date of decision : 17.1.2019

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Tannu @ Tripta

.....Applicant

vs.

Vinayak

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vijay Singh, Advocate for the applicant.

Mr. Shalender Mohan, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

As per report received from the Mediation Centre of this Court, the mediation has failed.

Applicant – Tannu @ Tripta, aged about 31 years, estranged wife of Vinayak - respondent, presently residing with her parents at Jind, has filed the instant application under Section 24 CPC, seeking transfer of divorce petition under Section 13 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Vinayak vs. Tannu @ Tripta' pending in the Court of District Judge (Family Court), Hisar, to a Court of competent jurisdiction at Jind.

According to the applicant, on account of matrimonial discord between the spouses, she had to leave the matrimonial home and start residing with her parents at Jind, alongwith minor son of the parties, namely, Vikrant, presently aged about 8-9 years. She has filed a petition for maintenance in Court at Jind. Her husband has filed a divorce petition against her which is pending before District Judge (Family Court), Hisar. Being a young woman, required to take care of the minor son of the parties, having no source of income, it is difficult for her to travel from Jind to Hisar, covering a distance of 55 kms on one side, to attend the dates of hearing in Court at Hisar. Therefore the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel in the trial Court. The application is being opposed vehemently stating that keeping in view the nature of proceedings, applicant is not required to appear in the Court on each and every date of hearing and she can appear through counsel in those proceedings. Furthermore, distance between the two places is not much and applicant being a private school teacher, having sufficient financial sources can very well travel that distance. Therefore, the application be dismissed.

After hearing rival contentions made by learned counsel for the parties and going through the record, I find that though proceedings in divorce petition are of civil nature, but then matter has to be pursued by the litigants in right earnest and it cannot be said that their counsel can watch their interest properly without they being there on the dates of hearing. Hon'ble Apex Court has also observed

that as far as, cases relating to matrimonial discord are concerned the convenience of wife has to be taken into consideration. Therefore I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of District Judge (Family Court), Hisar, is withdrawn from that Court and transferred to the Family Court at Jind, for disposal in accordance with law. Parties through counsel are directed to appear there on 14.2.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

17.1.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No