

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

TA-788-2018

Date of decision:-18.1.2019

Manpreet Singh Deol

...Applicant

Versus

Himali Goyal

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**Present** : Mr.Ankush Singla, Advocate
for the applicant.Mr.Nitin Jain, Advocate
for the respondent.

H.S. MADAAN, J.

This application has been filed on behalf of applicant Manpreet Singh Deol for transfer of petition under Section 12 of the Hindu Marriage Act, 1955 titled 'Himali Goyal Versus Manpreet Singh Deol' filed by his wife Himali Goyal praying that the said petition, which is pending in the Court of Additional District Judge, Panchkula be transferred to the Court of competent jurisdiction at Barnala.

According to the applicant, the parties belong to Barnala and had tied the nuptial knot on 25.10.2017, which was culmination of a love affair. However, since parents of respondent were against the marriage, they forcibly took her away to Barnala; that the respondent has filed a petition in question against the applicant in Court at Panchkula on false averments; that she had lodged a FIR under Sections

452, 323, 342, 506, 148, 149 IPC with Police Station City, Barnala; that the applicant has filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in Court at Barnala; that the petition in question has been filed by the respondent in the Court at Panchkula as a pressure tactic to cause inconvenience to the applicant requiring him to travel a distance of about 180 kms. from Barnala to Panchkula to attend the dates of hearing there; that the applicant is a Government employee and it is difficult for him to get leave from his department; that the other cases between the parties are pending at Barnala. Therefore, the petition in question be also transferred to the Court of competent jurisdiction at Barnala.

Notice of the application was given to respondent, who appeared through counsel and filed written reply contesting the application.

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

The main contention of the applicant is that though respondent is residing at Barnala but just to harass the applicant, she had filed the petition seeking annulment of marriage in the Court at Panchkula. As far as this contention of the applicant is concerned, that can be addressed by him by moving appropriate application before the trial Court that it lacks territorial jurisdiction to entertain and try the petition in question and then the trial Court may pass appropriate order thereon.

As far as the other contention of the applicant that since he is in a Government service, it is difficult for him to get leave from his

department frequently and go from Barnala to Panchkula to attend the dates of hearing there, this is certainly not a sound ground to allow the application. The Apex Court has observed on several occasions that with regard to the cases relating to matrimonial dispute between the parties, the convenience of the wife has to be taken into consideration. In the instant case, the respondent is a young girl and even according to the applicant, she has been residing at Barnala. Making her travel a distance of 180 kms. on one side to attend the dates of hearing is certainly not desirable. The applicant is a young man. He can travel the distance without being put to much inconvenience.

As far as the applicant being in Government service and his inability to get frequent leave, it is for him to deal with such situation. Even otherwise, his presence in the Court on each and every date of hearing is not required and he can give necessary instructions to his counsel from time to time even telephonically. Thus comparative mischief shall be much more if the application is accepted than if it is declined.

Therefore, finding no merit in the application, the same stands dismissed.

18.1.2019

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**(H.S.MADAAN)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No