

**Sr. No.209
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.305 of 2019 (O&M)
Date of Decision: 06.02.2020**

Amandeep Kaur

... Applicant

Versus

Devender Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. P.K.S.Phoolka, Advocate,
for the applicant.

Mr. Dinesh Arora, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant wife seeks transfer of petition filed by the respondent-husband under Section 13 (1) (i)/13(1) (ia) of the Hindu Marriage Act, 1955 titled as “Devender Kumar Vs. Amandeep Kaur and another” pending before the learned Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Mandi Dabwali, District Sirsa, Haryana.

2. Learned counsel for the applicant submits that applicant has filed complaint under Section 12 of Domestic Violence Act, 2005 against the respondent and petition under Section 125 Cr.P.C. for grant of maintenance, which are pending adjudication at Sirsa. He further submits that applicant-wife is residing at Mandi Dabwali, District Sirsa with her parents. She has no source of income and is wholly dependent on her parents. The distance between Mandi Dabwali and Rohtak is about 250 Kms. Therefore, it

is difficult for her to attend the Court proceedings at Rohtak. Whereas respondent-husband is already appearing in above said two cases pending at Sirsa.

3. On the other hand, learned counsel for the respondent opposes the application by saying that one minor son born out of the wedlock is residing with respondent-husband and is school going. He further submits that he is ready to pay traveling expenses to the applicant-wife.

4. I have heard learned counsel for the parties and have gone through the record.

5. The cardinal principle for exercise of the powers under Section 24 of the Code of Civil Procedure is the convenience and inconvenience of the parties. The paramount consideration for exercise of the power must be to meet the ends of justice. The convenience of both the parties and not of the applicant-petitioner only is to be seen.

6. In view of the discussion above and the offer made by respondent, the transfer application is disposed of with a direction that respondent-husband shall pay Rs.7500/- to the applicant-wife on every hearing towards travelling expenses/other incidental charges provided she comes personally to attend the Court hearings.

(ARUN MONGA)
JUDGE

06.02.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No