

Sr. No.212

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

**TA No.395 of 2019 (O&M)
Date of Decision: 16.01.2020**

Chetna

... Applicant

Versus

Rakesh Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rohit Mittal, Advocate,
for the applicant.

Mr. Jitender Nara, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, titled as “Dr. Rakesh Vs. Dr. Chetana” pending in the Court of District & Sessions Judge, Jhajjar to the Court of competent jurisdiction at Rewari.

2. Learned counsel for the applicant submits that the applicant-wife is residing with her parents at Rewari and is also posted at Rewari being a Medical Officer in the Health Department. The distance between Jhajjar and Rewari is about 50 Kms. and the nature of her job requires her presence in the hospital and she has to conduct OPD on the patients and it is thus difficult for her to take leave to go to Jhajjar to attend the Court hearings.

3. While on the other hand, learned counsel for the respondent objects to the transfer of the case on the ground that Court at Jhajjar is only 40 Kms. from Rewari and, therefore, no inconvenience would be caused to the applicant-wife. As regards the wife being a Physician (Medical Officer), learned counsel for the respondent submits that even the respondent-husband is also a Post Graduate Specialized Doctor/Physician.

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

5. Both the parties herein are Physicians. I am not in agreement with the arguments of the learned counsel for the respondent that the husband would be put to any extra inconvenience if the case is transferred from Jhajjar to Rewari in view of the conceded position that emerges from the reply filed by the respondent-husband wherein he has stated that he is currently pursuing his super-specialization in his specialized field in Bikaner (Rajasthan). In the premise, he would have admittedly to travel from Bikaner to attend proceedings at Jhajjar where he has preferred the petition under Section 13 of the Hindu Marriage Act. It is, therefore, insignificant given the fact that when he is based in Bikaner (Rajasthan), whether he has to travel to Jhajjar or Rewari as both are merely 40 to 50 Kms. apart.

6. Keeping in view the contentions in the application and the conceded position that the petitioner is permanent resident of Rewari and also working as a Medical Officer at PHC Masani, District Rewari, it would be appropriate and in the interest of

justice, if the case is tried and decided at Rewari.

7. Learned counsel for the applicant also relies upon judgment of Hon'ble Apex Court in case titled ***Sumita Singh Vs. Kumar Sanjay and another, AIR 2002 SC 396***, wherein it is held that transfer of matrimonial proceedings initiated by the husband against wife, convenience of the wife ought to be looked into.

8. In the premise, present application is allowed. The petition in question pending before the Court of Additional District Judge, Jhajjar is ordered to be withdrawn from that Court and is transferred to the District Judge, Rewari for its disposal in accordance with law by the Court concerned.

16.01.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No