

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

T.A. No.542 of 2020 (O&M)

Date of decision : December 17, 2020

Meena

..... Petitioner

Versus

Amit Kumar

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ganesh Chand Sharma, Advocate for the petitioner.

None for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

There is no representation on behalf of the respondent despite having been served.

The prayer of the petitioner is for transfer of the petition under Section 9 of the Hindu Marriage Act, from the Family Court, Jhajjar to the Family Court at Gurugram.

It is submitted by the learned counsel for the petitioner that the petitioner is a single lady. She does not have any means to defend the proceedings by travelling to Jhajjar and by engaging counsel there. Still further, it is submitted that the petitioner apprehends threat to her life from the respondent, if she goes to Jhajjar to attend the proceedings initiated by the respondent-husband. The petitioner is permanent resident of village Khandsa, District Gurugram. Therefore, keeping in view the situation and the

sufferings of the petitioner; and to minimise the same, the petition filed by the respondent-husband at Jhajjar, be transferred to Gurugram.

This Court does not have the benefit of any response from the respondent-husband. Otherwise also, the petition filed by the respondent-husband is only a luxury litigation by way of a petition under Section 9 of the Hindu Marriage Act, which can very well be conducted by him at the Family Court at Gurugram without requiring much effort on the part of the respondent-husband. Further more, this Court finds substance in the argument of the learned counsel for the petitioner that the petitioner being a single lady would be facing extra problems in defending the proceedings at Jhajjar. Since the allegations of break down of marriage is after 13 years of the marriage, and is accompanied by allegations of violence, therefore, even the argument of the counsel for the petitioner that she apprehends threat at the hands of the respondent-husband cannot be ruled out. Hence, keeping in view the law laid down by the Supreme Court of India in “*Neelam Kanwar v Devinder Singh Kanwar*”, 2000(10 SCC 589, and accordingly; keeping in view the convenience of the petitioner-wife, it would be appropriate if the proceedings pending before the Family Court at Jhajjar are ordered to be transferred to the Family Court at Gurugram.

Accordingly, the present petition is allowed.

Petition bearing No.HMA/415/2020 filed under Section 9 of the Hindu Marriage Act, by the respondent-husband is ordered to be transferred from the Family Court, Jhajjar to a competent Court at

Gurugram. Let the record of the case be sent from Jhajjar to Gurugram.
Thereafter, the learned District Judge, Gurugram shall assign the case to the
competent Court at Gurugram.

(RAJBIR SEHRAWAT)
JUDGE

December 17, 2020

sarita	
Whether speaking / reasoned	Yes
Whether Reportable:	No