

Sr. No.225

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

TA-998-2019

Date of Decision: 04.02.2020

JYOTI

... Applicant

Versus

HARISH

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Ravinder Hooda, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of divorce petition under Section 13(1)(1-A) of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing HMA No.248 of 2019 titled as “Harish v/s Jyoti” pending in the Court of District Judge Jhajjar to the Court of competent jurisdiction at Rohtak.

2. Learned counsel for the applicant submits that petitioner is residing at Rohtak with her parents. She has no source of income and it is very difficult for her to attend hearing at Jhajjar which is 50 kms from Rohtak. 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.

3. Despite service, none has put in appearance on behalf

of the respondent.

4. I have heard learned counsel for the applicant and have gone through the record of the case.
5. The case pending between the parties is aftermath of matrimonial discord. Keeping in view the contentions in the application, and the apprehension of threat to the applicant, it would be proper, appropriate and in the interest of justice, if the case pending between the parties is transferred at Rohtak.
6. In the premise, present application is allowed. The petition in question pending before the Court of District Judge, Jhajjar is ordered to be withdrawn from that Court and is transferred to the District Judge, Rohtak for its disposal in accordance with law by the Court concerned.

04.02.2020
Sonu

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No