

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

TA-37-2021 (O&M)

Date of Decision:15.01.2021

Karamjeet Kaur

... Petitioner

Versus

Arshdeep Singh

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Deepak Aggarwal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant application has been filed under Section 24 CPC seeking transfer of a divorce petition preferred by the husband/respondent under Section 13 of the Hindu Marriage Act, 1955 from the Court of Principal Judge, Family Court, Faridkot to a Court of competent jurisdiction at Bathinda.

Counsel submits that the petitioner i.e. wife has no independent source of income and is at the mercy of her parents. She is currently staying at her parental house and it is extremely inconvenient for her to contest the divorce petition filed by the husband at Faridkot. Further urged that an application under the provisions of the Domestic Violence Act is pending before the competent Court at Bathinda and under such circumstances, the prayer made in the instant petition seeking transfer of the divorce petition

filed by the husband also to a Court of competent jurisdiction at Bathinda deserves acceptance.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no interference in the matter is warranted.

The divorce petition has been initiated by the husband in the month of October, 2020 on the ground of cruelty. It is the case projected by counsel that the marriage had been solemnized in the month of April, 2017 and within six months, the wife/petitioner had been thrown out of the matrimonial home. The application under the Domestic Violence Act has been filed by the petitioner more than three years thereafter as also later in point of time to the filing of the divorce petition.

As per Memo of Parties, petitioner is currently a resident of Village Bandi, Tehsil and District Bathinda. Counsel concedes that the distance between Village Bandi and Bathinda is in excess of 30 kms.

Distance between Bathinda and Faridkot is 69 kms. approximately. Undoubtedly, the convenience of the wife/lady under normal circumstances should prevail. However, such rule of convenience is not to be applied blindly. In the facts of the present case, petitioner in any event has to travel more than 30 kms. from her current place of residence to the Courts at Bathinda. The application under the provisions of the Domestic Violence Act was filed only after filing of the divorce petition at the hands of the husband.

Applications seeking transfer are not to be entertained in a routine and casual manner.

No exceptional circumstances are made out for accepting the prayer made in the instant petition seeking transfer of the divorce petition to the Court at Bathinda.

Petition is dismissed.

15.01.2021

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |