

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

**204**

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**IN VIRTUAL COURT**

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**TA No. 43 of 2021  
Date of decision : 8.4.2021**

**Sonia**

**.....Petitioner**

**Vs.**

**Rahul Yadav**

**.....Respondent**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Ajit Sihag, Advocate, for the petitioner  
None for the respondent

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**Rajbir Sehrawat, J. (Oral)**

This transfer application has been filed under Section 24 read with Section 151 CPC seeking transfer of the divorce petition filed under Section 13 (1)(ia) of the Hindu Marriage Act, 1955, bearing HMA No. 809 of 2020 titled as Rahul Yadav v. Sonia, which is pending before the Family Court in Gurugram, to the competent Family Court of jurisdiction in Bhiwani.

It is submitted by the counsel for the petitioner that the petitioner/ wife is residing at Jamalpur, Tehsil Bawani Khera in District Bhiwani with her parents. She has no independent source of income. Therefore, she would be facing problem in repeatedly attending the Courts at Gurugram, which is at a distance of about 150 kms. Moreover, cases initiated at the instance of the petitioner against the respondent are already pending at Bhiwani. Hence, the divorce petition pending at Gurugram; be also transferred to a Court of competent jurisdiction at Bhiwani.

This Court has not got any assistance from the side of the respondent despite having been served.

Having considered the facts available on the record and the arguments of the counsel for the petitioner, this Court finds substance in the case of the petitioner.

It is well settled by now that in the matter of place of conduct of the proceedings in matrimonial disputes, it is the convenience of the wife, which is to be given precedence over the convenience of the husband. Moreover, it has come on record that the respondent/husband is required to attend two more cases at Bhiwani, which have been initiated by the present petitioner. Therefore, no extra prejudice would be caused to the respondent if the above said divorce petition is ordered to be transferred from Gurugram to Bhiwani. Moreover, the argument of the counsel for the petitioner that the petitioner would be facing difficulty in attending the proceedings at Gurugram at a place of about 150 kms. away from her house, also finds favours with this Court. Accordingly, this Court is of the opinion that the above said divorce petition deserves to be transferred from Gurugram to Bhiwani.

Ordered accordingly.

As a consequence, the District & Sessions Judge, Gurugram is directed to ensure the transfer of the record of the case to the Courts at Bhiwani. The District & Sessions Judge, Bhiwani is directed to assign the case to a competent Court under his jurisdiction; after receipt of the record of the same from the Courts at Gurugram.

Disposed of with above terms.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**8.4.2021**

*Ashwani*

|                   |   |        |
|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |