

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

203

TA No.164 of 2021 (O&M)
DATE OF DECISION : 27th APRIL, 2021

Simran Malik @ Simran Monga

.... Petitioner

Versus

Guneet Monga

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====

In virtual Court

=====

Present : Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Sandeep Sharma, Advocate for the respondent.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner (wife) under Section 24 read with Section 151 CPC for transferring the petition under Section 13 of the Hindu Marriage Act filed by respondent-husband, i.e. *case No.HMA/412/ 2020* titled as *Guneet Monga Vs. Simran Malik*, pending in the court of Additional District and Sessions Judge, SAS Nagar (Mohali) (Annexure P-1) to the court of competent jurisdiction at Ludhiana.

It is submitted by the counsel for the petitioner that the petitioner/wife is residing at Ludhiana with her parents. She has no independent source of income and is dependant on her parents. Further the respondent-husband, in spite of being a man of resources, is not paying anything to the petitioner. Therefore, she would be facing problem in repeatedly attending the courts at Mohali, which is at a

distance of about 100 kilometers. Moreover, the petition under Section 125 Cr.P.C.; initiated at the instance of the petitioner against the respondent; is already pending at Ludhiana. Hence the divorce petition pending at SAS Nagar Mohali; be also transferred to the court of competent jurisdiction at Ludhiana.

The counsel for the respondent submits that the respondent-husband is residing at Derabassi and the case be sent to mediation centre at High Court for amicable settlement between the parties. In the alternative, the case may be transferred to any place equidistant to both the parties.

The arguments put forth by the counsel for the respondent are noted to be rejected; as 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. Otherwise also, the respondent-husband is required to attend another litigation pending at Ludhiana. Therefore, no extra prejudice would be caused to him by transfer of the divorce petition from SAS Nagar Mohali to Ludhiana. As far as the argument of learned counsel for the respondent regarding sending the case to the mediation centre of this Court, is concerned, the mediation proceedings can take place at Ludhiana Courts also. The other argument of the counsel for the petitioner qua her no source of income and she being fully dependant on parents for her livelihood, finds favour with this Court. Hence, this Court is of the view that the divorce petition being No.HMA/412/ 2020 titled as *Guneet Monga Vs. Simran Malik*, which is pending at SAS Nagar Mohali, deserves to be transferred to Ludhiana in the interest of justice.

As a consequence, the District and Sessions Judge, SAS Nagar Mohali is directed to ensure the transfer of the record of the case to

the Courts at Ludhiana. The District and Sessions Judge, Ludhiana 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 SAS Nagar Mohali.

Disposed of with above terms.

27th APRIL, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>