

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

TA No. 376 of 2020

Date of Decision:08.01.2021

Anita Devi

.....Petitioner

Versus

Rajbir Singh Malik

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ramesh Sindhar, Advocate for the petitioner.

Mr. S.K. Aggarwal, Advocate for the respondent.

TEJINDER SINGH DHINDSA J.(Oral)

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

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

Petition had come up for preliminary hearing before this Court on 30.07.2020 and while issuing notice to the respondent, further proceedings before the Court at Jind had been directed to be stayed.

Mr. S.K. Aggarwal, Advocate, represents the respondent/husband.

Counsel for the parties have been heard and pleadings on record have been perused.

It has gone uncontroverted that petitioner is currently residing at Karnal at her parental house. Two children were born out of wedlock i.e. a boy aged 17 years and a girl aged 7 years. Both of them are school going and in the custody of the petitioner i.e. the wife. Distance between Karnal and Jind is stated to be 90 Kms. approximately.

Under such circumstances, it is the wife's convenience that ought to prevail. Reference in this regard may be made to an order passed by the Apex Court in *Sumita Singh Versus K Kumar Sanjay and another (2002)* **AIR Supreme Court 396.**

In the considered view of this Court the circumstances noticed hereinabove are sufficient to make the transfer petition absolute.

Petition is allowed.

The Petition under Section 13 of the Hindu Marriage Act, 1955 tilted as Rajbir Singh Malik Versus Anita Devi, preferred by the respondent/husband is directed to be transferred to the Court of learned District Judge at Karnal who shall either try the case himself/herself or assign the same to a Court of competent jurisdiction at Karnal.

Parties are directed to appear before the District Judge, Karnal on 10.02.2021.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 08, 2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No