

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

**TA-435-2020 (O&M)
Date of Decision:02.03.2021**

Mamta Thakur

... Petitioner

Versus

Karan Singh Rana

... Respondent

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

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Nitin Jain, Advocate for the respondent.

...

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 had been preferred under Section 24 CPC seeking transfer of a petition filed under Section 13 preferred by the respondent/husband under the Hindu Marriage Act from the Court of Id. Principal Judge, Family Court, Bathinda to a Court of competent jurisdiction at Fatehabad.

Petition had come up for preliminary hearing before this Court on 28.09.2020 and while issuing notice of motion, further proceedings before the Court at Bathinda had been directed to be stayed.

Mr. Nitin Jain, Advocate represents the respondent/husband.

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

It has gone uncontroverted that the petitioner is currently residing in a village at Fatehabad district at her parental house. Petitioner has filed a petition under Section 9 of the Hindu Marriage Act seeking Restitution of

Conjugal Rights and such petition is pending consideration in the Fatehabad Courts. That apart, a complaint under the Domestic Violence Act has also been filed and which is pending before the Sub Divisional Judicial Magistrate, Ratia, Fatehabad.

Petitioner/wife has stated that she has no means of sustenance and is totally dependant upon her father.

The distance between Fatehabad and Bathinda is stated to be 100 kms. approximately.

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

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

Petition is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as **Karan Singh Rana Vs. Mamta Thakur** preferred by the respondent/husband is directed to be transferred to the Court of Id. District Judge, Fatehabad, who shall either try the case himself/herself or assign the same to a Court of competent jurisdiction at Fatehabad.

Parties are directed to appear before the District Judge, Fatehabad on 25.03.2021.

Disposed of.

02.03.2021

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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