

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

203

=====

IN VIRTUAL COURT

=====

**TA No. 462 of 2020
Date of decision : 8.4.2021**

Anita

.....Petitioner

Vs.

Deen Dayal @ Sanjay

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ram Darshan Yadav, Advocate, for the petitioner

None for the respondent

Rajbir Sehrawat, J. (Oral)

This transfer application has been filed under Section 24 CPC seeking transfer of the divorce petition filed by the respondent under Section 13 (1)(ia) (ib) of the Hindu Marriage Act, 1955, bearing HMA No. 1284 of 2019 titled as Deen Dayal @ Sanjay v. Anita, which is pending before the Family Court in Gurugram to the competent Court of jurisdiction in Rewari.

It is submitted by the counsel for the petitioner that the respondent/husband has filed the divorce petition at Gurugram. The petitioner/wife is residing at her parents house at Rewari. She is also having a minor daughter of 13 years of age. She has to look after her as well. Moreover, another litigation, initiated at the instance of the petitioner against the respondent is already pending at Rewari. Hence, the divorce petition pending at Gurugram; be also transferred to a Court of competent jurisdiction at Rewari.

This Court is deprived of any assistance from the side of the respondent because the notice send to him has been returned by his family members by saying that the matter has since been compromised between the parties. However, counsel for the petitioner submits that there has not been any compromise between the parties. Had there been a compromise, the divorce petition would have been either withdrawn or disposed of by the Court below.

Having considered the facts available on the record, this Court

finds substance in the arguments of the counsel for 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. Otherwise also, the respondent/husband is required to attend another litigation pending at Rewari. Therefore, no extra prejudice would be caused to him by transfer of the divorce petition from Gurugram to Rewari. The other argument of the counsel for the petitioner qua her need to look after her minor daughter also finds favour with this Court. Hence, this Court is of the view that the divorce petition bearing HMA No. 1284 of 2019 titled as Deen Dayal @ Sanjay v. Anita, which is pending at Gurugram, deserves to be transferred at Rewari in the interest of justice.

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 Rewari. The District & Sessions Judge, Rewari 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