

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

-.-

TA No.909 of 2021(O&M)

Date of Decision: 13.12.2021

Renu Bala

....Petitioner

VERSUS

Mohit

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Kusum Raj, Advocate for the petitioner.

Ms. Renu Arora, Advocate for the respondent.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

The present petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') for dissolution of marriage titled as "*Mohit Vs. Renu Bala*" pending in the Court of District Judge, Kapurthala to the Court of competent jurisdiction at Pathankot.

Learned counsel for the petitioner would contend that the petitioner was married on 23.04.2015 at Meerthal, District Pathankot. After the solemnization of marriage both the parties resided together at Village Dyalpur, District Kapurthala. However, no child was born out of the wedlock. It has further been averred that differences arose between the petitioner and the respondent and many panchayats were convened. The last panchayat was convened on 28.07.2021. Thereafter, the petitioner is alleged to have been thrown out of her matrimonial house and she is now residing with her parents at Pathankot. It is contended by the learned counsel for

the petitioner that the petitioner would have to travel a distance of 135 kms (one way) in order to attend the proceedings at Kapurthala. It is further contended that the petitioner has no independent source of income nor any maintenance or litigation expenses have been provided to the petitioner and, hence, it would not be feasible for her, financially or otherwise, to travel all the way to Kapurthala.

Learned counsel appearing on behalf of the respondent has vehemently opposed the transfer on the ground that the respondent has filed a petition under Section 13 of the HM Act wherein allegations have been made against the petitioner of being infertile and incapable of producing a child. It has further been contended that all the witnesses are residents of Kapurthala and it would not be possible for them to travel to Pathankot. It is further the contention of the learned counsel for the respondent-husband that there is a chance of an amicable settlement in this matter and hence the matter be referred to the Mediation Centre.

I have heard learned counsel for the parties.

In the present case, admittedly, the petitioner is residing at Pathankot which is at a distance of 135 kms (one way) from Kapurthala. Further, the learned counsel for the respondent is not in position to deny the fact that the petitioner has no independent source of income nor any maintenance or litigation expenses have been paid to the petitioner.

In view of the above, I find this to be a fit case for transfer the petition filed by the respondent-husband under Section 13 of the HM Act for dissolution of marriage titled as "*Mohit Vs. Renu Bala*" pending in the Court

of District Judge, Kapurthala to the Court of competent jurisdiction at Pathankot.

Since the learned counsel for the respondent-husband has stated that there is a chance of an amicable settlement between the parties, the Court at Pathankot shall first send the parties for Mediation before proceeding further with the matter on merits.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Pathankot and the parties shall appear there on 05.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

December 13, 2021

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**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO