

S.No.203

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

TA No.500 of 2020 (O&M)

Date of Decision:15.01.2021

Seema Rani

.....Petitioner

Vs.

Sanjeev Kumar

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ramandeep Singh, Advocate for the petitioner.

Mr. Amandeep Gulati, Advocate for the respondent.

Rajbir Sehrawat, J.(Oral)

This is a petition for transferring the petition under Section 13 of the Hindu Marriage Act, 1955 bearing “HMA/371/2020” titled as “Sanjeev Kumar Vs. Seema Rani” pending in the Court of the learned Principal Judge, Family Court, Moga filed by the respondent-husband to the Court of competent jurisdiction in District Tarn Taran (Punjab).

It is submitted by counsel for the petitioner that the marriage between the parties was solemnized on 06.09.2014. However, the dispute had arisen between the parties. As a result, the petitioner was shunted out of her matrimonial home by the respondent- husband. Since then, the petitioner is residing at Tarn Taran with her parents. The petitioner is not having any source of income. Therefore, it would not be financially viable and convenient for the petitioner to attend the Court proceedings at Moga. Moreover, another petition filed by the petitioner against the respondent-husband is already pending at Tarn Taran. Therefore, the divorce petition

No.HMA/371/2020, which is pending with Family Court at Moga deserves to be transferred to the competent Court in District Tarn Taran.

Learned counsel for the respondent has submitted that although he would not have any objection if the case is transferred from Family Court, Moga to any other place in the interest of ensuring fairness in the trial. However, the respondent apprehends threat at the hands of the family members of the petitioner if he goes to attend the Court at Tarn Taran. Hence, it would not be in the interest of justice to force the respondent to conduct the proceedings at a place where he is having danger to his life. The other case at Tarn Taran was filed by petitioner subsequent to filing of Divorce Petition by the respondent at Moga.

Having considered the respective arguments of the parties, this Court finds substance in the argument of the learned counsel for the petitioner qua transfer of petition from Moga to Tarn Taran. It is well settled by now that in case of trial of matrimonial disputes, the convenience of wife has to take precedence over the convenience of the husband. The petitioner is stated to be residing with her parents at Tarn Taran. Therefore, keeping in view the convenience of the petitioner- wife, it would be appropriate to transfer the petition from Family Court at Moga to competent Family Court at Tarn Taran.

Although learned counsel for the respondent has pointed out apprehension of the respondent qua threat at the hands of the family members of the petitioner, however, this Court does not find that apprehension as a sufficient ground not to transfer the petition. The reason

for this is; that another case, filed at the instance of the petitioner-wife is already pending at Tarn Taran. Therefore, in any case, the respondent-husband would be required to attend the Court proceedings at Tarn Taran. If he can go to Tarn Taran to attend the Court proceedings in one case, he can also safely go to attend the proceedings in two cases at Tarn Taran. Accordingly, keeping in view the overall situation prevalent between the parties, this Court finds it appropriate to order transfer of the petition from Family Court, Moga to competent Court at Tarn Taran.

In view of the above, the present petition is allowed. The petition No.HMA/371/2020 pending before Family Court, Moga is ordered to be transferred to competent Court at Tarn Taran. The District and Sessions Judge, Moga is ordered to transfer the record of the case to District and Sessions Judge, Tarn Taran. After receipt of the record of the case, the District and Sessions Judge, Tarn Taran shall assign the case to the competent Court in his jurisdiction.

Disposed of in the above terms.

January 15, 2021
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No