

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

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TA-503-2020

Decided on : 18.01.2021

Srishty

... Petitioner

Versus

Major Sahil Gupta

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Vaibhav Narang, Advocate, for the petitioner.

Mr.Yogesh Goel, Advocate, for the respondent.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Present application has been filed under Section 24 CPC for transfer of the case DMC/448 of 2020 titled 'Major Sahil Gupta Vs. Shrishty' filed by the petitioner-wife under Section 12 of the Hindu Marriage Act, 1955, from the Family Court at Jalandhar to the Court of competent jurisdiction at Amritsar.

The ground taken is that the petitioner has no independent source of income and she is being looked after by parental assistance and she is dependent upon them. The distance between the 2 towns is stated to be 100 kms and the proceedings under Section 498A, 406 IPC are pending enquiry and therefore, the transfer is sought.

Respondent-husband contested the same on the ground that he is serving as a Major in the Army and now posted at Talbehat Military Cantonment, District Lalitpur, Uttar Pradesh which is 1000 kms from Jalandhar. The marriage which was solemnized on 16.04.2019 was on the basis of fraud and there was false representation about the academic qualifications of the wife apart from other defences. It is submitted that the petitioner is harassing the respondent and the proceedings are not liable to be transferred on the grounds mentioned in the application.

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Vide order dated 15.12.2020, parties were directed to put in appearance so that the matter can be referred to the Mediation & Conciliation Centre, keeping in view the fact that there was no child from the wedlock and that differences arose in September, 2019 and they had separated ways. In compliance of the said order, both the parties have interacted with the Court by way of Video-Conferencing. This Court made efforts that the matter can be referred to the Mediation Centre of this Court, but of no avail.

It, however, transpires during the course of the proceedings that the complaint which had been lodged with the police by the wife has led to registration of an FIR against the husband at Amritsar. It further transpires that the husband has also been transferred from Lalitpur to Amritsar. It is the contention of the respondent that his parents reside at Jalandhar and he will continue to reside at Jalandhar.

Keeping in view the cumulative background, this Court is of the opinion that once the respondent, who had filed the petition under Section 12 of the Hindu Marriage Act, 1955 has himself been transferred to Amritsar, it would be more convenient for him also to attend the proceedings at Amritsar and also for the wife to prosecute the said litigation as she is residing at Amritsar. The marriage had also taken place at Amritsar itself and therefore, the Family Court at Amritsar would have jurisdiction.

As noticed above, criminal proceedings have been initiated and therefore, the husband would be attending the said proceedings and it would also save the husband from giving the expenses for travel to the wife in case she has to commute to Jalandhar. Keeping in view the above, this Court is of the opinion

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that it would be in the interest of justice and parties that the proceedings should be transferred to the Family Court at Amritsar.

Resultantly, the present petition is allowed. The Family court at Jalandhar shall send complete file to the District & Sessions Judge, Amritsar, who shall then assign the case to the Family Court. Parties shall put in appearance before the District & Sessions Judge, Amritsar on 15.02.2021.

JANUARY 18, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No