

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

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(Through Video Conferencing)

TA-19-2022

Date of decision: 14.03.2022

Komal	Versus	Applicant
Sahil		Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Neeraj Sheoran, Advocate
for the applicant.

Mr. Ashwani Bakshi, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

The applicant is seeking transfer of a petition under Section 13 of the Hindu Marriage Act, 1955 bearing No.DMC/820/2021 (Annexure P-1) filed by the respondent, from Family Court, Rohtak to Family Court, Jhajjar where she is residing after being ousted from her matrimonial home.

The sole ground on which the applicant is seeking transfer is that she has no source of income and has been living at the mercy of her parents in Jhajjar along with her minor son, who is just about one year old. Hence, it would be very inconvenient and rather difficult for her to commute with the infant to the Court at Rohtak on each and every date of hearing moreso, as there is no direct bus from her village to Rohtak.

On being put to notice, the respondent entered appearance through his counsel.

Learned counsel for the respondent opposed the prayer made by the applicant for transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 from Rohtak to Jhajjar by urging that the

distance from Jhajjar to Rohtak was not 40 kms. but about 25 to 30 kms. He submitted that the applicant was intentionally wanting to get the case transferred to Jhajjar so as to cause harassment to the respondent.

I have heard learned counsel for the parties and perused the relevant material on record.

The Hon'ble Supreme Court in a plethora of judgments including Neelam Kanwar Versus Devinder Singh Kanwar, 2000(10) SCC 589 and Sumita Singh Versus Kumar Sanjay and another, 2002 AIR(SC) 396, in unequivocal terms has observed that in matrimonial disputes between the spouses, convenience of the wife must be given due consideration.

Hence, in the wake of the observations of the Hon'ble Supreme Court coupled with the fact that the applicant has a one year old child to take care of, who is totally dependent on her, this Court deems it appropriate to allow the instant application more so, when the case is still at the initial stage. Accordingly, the application is accepted. The petition in question pending in the Court of Principal Judge, Family Court, Rohtak is withdrawn from that Court and transferred to the Family Court, Jhajjar for disposal in accordance with law. The parties through their counsel are directed to appear before the Family Court, Jhajjar on 18.04.2022.

14.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No