

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

TA-36-2021 (O&M)

Date of decision: 05.05.2022

Sonia Kakkar

.....Petitioner

versus

Varun Kakkar

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.S. Dhillon, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. H.K. Brinda, Advocate
for the respondent.

FATEH DEEP SINGH, J.

The applicant/wife-Sonia Kakkar, through this invocation under Section 24 of the CPC has sought transfer of a petition under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') titled as 'Varun Kakkar versus Sonia Kakkar' , whereby, the respondent/husband-Varun Kakkar has sought dissolution of marriage by decree of divorce. The plea is that the petitioner resides in Chandigarh and that the litigation is pending at Rupnagar (Ropar) and it is not possible for her to attend each and every date of hearing and contest the litigation.

Heard counsel for the parties and perused the records.

The marriage between the couple was solemnized on 25.01.2014, out of which, a female child was borne to the couple on 15.11.2014. The couple fell apart leading to institution of multiple litigations. The wife had filed an application for maintenance under Section 125 Cr.P.C. besides a complaint under Section 12 of the Protection of Women from Domestic Violence Act. The towns of Chandigarh and Rupnagar which hardly are at a distance of 45 minutes from each other and it is not difficult for the parties to traverse this distance in light of the present advancement in the transport and the facilities of the roads. Merely because the wife wants the litigation to be transferred from Rupnagar to Chandigarh, is no extenuating stance for her necessitating allowing the same.

The husband in his response has spelled out comprehensive details of this dispute which has not much impact in the outcome of the present matter and is more concerning the litigation which is already being carried on *inter se* between them. The claim of the wife that she has a daughter to look after does not impresses the Court much as it is the own stand of the wife that she has other family members in the household where she resides and thus, being a pure civil litigation, her presence on each and every

date of hearing is not necessitated and can appropriately instruct her Lawyer. The provisions of Section 24 of CPC are to be sparingly used in exceptional circumstances and none is forthcoming in the present matter and, thus, there being no merits, the present transfer application stands dismissed.

05.05.2022*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No