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

TA No.123 of 2022 (O&M)
Date of decision: 12.09.2022

Seeta Rani

....Petitioner

Versus

Pardeep Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Panwar, Advocate
for the petitioner.

Mr. G.C. Shahpuri, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the petition filed under Section 13 of the Hindu Marriage Act, titled as "*Pardeep Kumar vs Seeta Rani*", pending before the Principal Judge, Family Court, Yamuna Nagar at Jagadhri to the competent Court of jurisdiction at Panchkula.

Counsel for the petitioner has submitted that the marriage was solemnized on 22.05.2003 at Village Manak Tabra, Tehsil Raipur Rani, District Ambala and two male children (name not disclosed) were born on 23.06.2008 and 22.09.2009. It is further submitted that the petitioner/wife was serving as a Constable in C.R.P.F. and retired in the year 2018 and similarly, the respondent/husband was serving in Indian Army and he has also retired. It is also submitted that both the parties are residing separately as the petitioner is residing at her parental home at Village Manak Tabra, Tehsil Raipur Rani, District Ambala, along

with her parents whereas the respondent/husband is residing in Panchkula along with two minor children.

Counsel for the petitioner has further contended that since the petitioner is under treatment of some chronic psychiatric illness and is taking treatment from a private doctor at Panchkula, therefore, the divorce petition filed by the respondent/husband be transferred.

Counsel for the respondent/husband has opposed the prayer for transfer of the petition by way of filing a reply.

Counsel for the respondent, at the very outset, argued that as per the Certificate (Annexure P-3), relied upon by the petitioner, issued by one Dr. Rajeev Trehan, which reads as under:-

“This is to certify that Sita Rani w/o Pardeep Kumar r/o Manak Tabra, is suffering from chronic psychiatric illness. Presently she is under treatment from me and long time medication is required.”

Counsel for the respondent has further submitted that the Certificate nowhere suggest that the petitioner/wife is unable to travel or is suffering from any permanent mental disorder as the suggestion is that she needs to take long medication. It is also argued that both the minor children who are aged about 14 years and 12 years, respectively are studying in Indian Public School, Jagadhri at Yamuna Nagar and they are living under the care and custody of the respondent/husband, who is bearing all their expenses and is taking care of their upbringing.

Counsel for the respondent has also relied upon the certificates of the school regarding payment of fees. It is further contended that the petitioner/wife has withdrawn from the company of the respondent/husband without any cause and has even failed to

provide the love and affection, which the minor children require at this crucial stage of their upbringing. Lastly, it is submitted that the petitioner/wife as well as the respondent/husband being, retired from C.R.P.F. or the Indian Army are getting respective pension and therefore, the petitioner/wife is not dependent on any person and is financially capable, however, she has failed to perform her matrimonial duties and duties towards the minor children.

In view of the peculiar facts and circumstances of the case, this Court find that the ground for transfer in this case are not *bona fide*.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

12.09.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No