

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

TA-175-2021

Date of decision: 02.05.2022

Tanvi Singla

.....Petitioner

versus

Mohit Bansal

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashish Bhagat, Advocate
for the petitioner.

Mr. Ravish Bansal, Advocate
for the respondent.

FATEH DEEP SINGH, J.

In this transfer application under Section 24 of the CPC, the applicant/wife-Tanvi Singla is seeking transfer of a petition under Section 9 of the HMA, 1955 (in short 'the Act') bearing No. HMA/122/2020 titled as 'Mohit Bansal versus Tanvi Singla' from the Court of the learned Additional Civil Judge (Senior Division) Dera Bassi to the Court of competent jurisdiction at Fatehabad, Haryana.

The plea of the wife is based on the relative distance of

the two places from each other and her inability to attend the hearings.

Heard counsel for both the sides and perused the records.

As is the own stand of the wife, it is the eye ailment of the husband which is termed to be *Retinitis Pigmentosa* which is the reason for this matrimonial disaccord between the couple, for which, the wife claims that she has filed a petition under Section 12 (i) (C) of the Hindu Marriage Act, 1955 seeking annulment of the marriage on this ground and in the alternative, seeking a relief of divorce under Section 13 of the Act.

Keeping in view the own stance of the wife that the husband is suffering from serious eye ailment and which is conceded to by Mr. Ravish Bansal, Advocate for the respondent/husband and who has shown his apprehension that with due passage of time, the husband might go blind rather is a distressing feature in the way to the claim being laid by the wife. Admittedly, there are other litigations that have cropped up over this matrimony through this period. It would be in the fitness of things if the husband alone is not made to traverse such a distance from Dera Bassi to Fatehabad and the wife too, is supposed to

cover this distance vice-versa.

It would sub-serve the ends of justice if the present petition is allowed to the limited extent and to prevent any undue hardship to both the sides, the proceedings in a case bearing No. HMA/122/2020 titled as 'Mohit Bansal versus Tanvi Singla' under Section 9 of the HMA, 1955 pending before the learned Additional Civil Judge (Senior Division) at Dera Bassi is ordered to be transferred from Dera Bassi to a place in between the two cities, that is, Rohtak, which is roughly equidistant for both the sides.

The matter be put up before the learned Additional Civil Judge (Senior Division), who may either keep the matter with himself or entrust to some other Court of competent jurisdiction.

The present petition stands partly allowed.

02.05.2022

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No