

TA-221-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

TA-221-2022 (O&M).
Decided on: 12.07.2022.

Pratibha

.. Petitioner

VERSUS

Rohit

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

* * *

PRESENT Mr.P.S.Chauhan, Advocate,
for the petitioner.

Mr.Sachin Kaushik, Advocate,
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, titled as “Rohit Vs. Pratibha” DMC No.383 of 2021, pending in the Court of learned Principal Judge, Family Court, Rohtak, to the competent Court of jurisdiction at Rewari.

Learned counsel for the applicant submits that the

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applicant was married with the respondent on 13.12.2018. He submits that the applicant is presently living in a rented accommodation at Rewari. He submits that since the distance between Rohtak and Rewari is approximately 90 kilometers, she would be greatly inconvenienced to travel to Rohtak on each and every date of hearing. Learned counsel submits that the following litigations are pending at District Courts at Rewari which were instituted by the applicant:-

1. Petition No.DV-19-2022 titled as 'Pratibha Vs. Rohit and others' pending for 21.04.2022.
2. Petition bearing No.MNT(125)-41-2022 titled as 'Pratibha and another Vs. Rohit' pending for 02.06.2022.

On a pointed query put to the learned counsel for the applicant as to whether the applicant had filed the aforementioned cases prior in time to the petition filed under Section 13 of the Hindu Marriage Act, 1955 by the respondent, he submits that they were filed subsequently.

Counsel for the petitioner submits that the petitioner is having two years old minor child who is living in the care and custody of the petitioner.

Counsel for the petitioner has relied upon the judgments “Sumita Singh vs Kumar Sanjay”, 2002 SC 396 and “Rajani Kishor Pardeshi vs Kishor Babulal Pardeshi”, 2005(12) SCC 237, wherein the Hon’ble Supreme Court has observed that *while deciding the transfer application, the Courts are required to give more weightage and*

consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”

It is well settled that while considering the transfer of a matrimonial dispute/case at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member of her family, connectivity of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.

Counsel for the respondent has opposed the prayer for transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act.

After hearing the learned counsel for the parties and considering the facts and circumstances of this case, the present petition is allowed. The petition filed under Section 13 of the Hindu Marriage Act, titled as “Rohit Vs. Pratibha” DMC No.383 of 2021, pending in the Court of learned Principal Judge, Family Court, Rohtak, will be transferred to the competent Court of jurisdiction at Rewari.

The parties are directed to appear before the District Judge, Rewari, on 8.8.2022. It will be open to the District Judge, Rewari, to entrust the case to the Court of competent jurisdiction.

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File, complete in all respects, be sent to the Court of District Judge, Rewari, well before the date fixed.

July 12, 2022.
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(ARVIND SINGH SANGWAN)
JUDGE

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