

AT CHAHDIGARH
(through video conferencing)

Date of decision: 14.03.2022

.... Petitioner

Versus

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Siddharth Gulati, Advocate
for the petitioner.

Manjari Nehru Kaul, J. (Oral)

Instant application has been filed under Section 24 of CPC for transfer of Divorce Petition filed by the respondent titled as Suresh Kumar vs. Poonam Devi bearing DMC/642/2022 under Section 13 of Hindu Marriage Act from the Principal Judge, Family Court, Hisar to Family Court, Kaithal.

The sole ground for seeking transfer of the case in question from Family Court, Hisar to Family Court, Kaithal is that the applicant has been receiving threats from the respondent and she has no source of income. Hence, it would be very difficult for her to travel from Kaithal to Hisar on each and every date of hearing. Learned counsel further submits that since a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights is already pending in the Family Court, Kaithal, the petition under Section 13 of Hindu Marriage Act be also transferred to Kaithal.

Heard learned counsel and perused the relevant material on record.

Concededly, the petition under Section 9 of Hindu Marriage Act was filed by the applicant after the instant transfer application had been filed before this Court. Still further, the distance between Kaithal and Hisar is just about 100 kms and there are excellent transport facilities between the two places. Moreover, in divorce proceedings, personal appearance of the petitioner is not required on each and every date of hearing. Hence, this Court is not inclined to transfer the petition under Section 13 of Hindu Marriage Act to Family Court, Kaithal.

Still further, qua the alleged threats extended to the applicant by the respondent-husband, she has failed to bring to the notice of this Court any representation/complaint made to the authorities concerned in the said regard.

This Court therefore, does not find any merit in the instant application. Accordingly, the present application stands dismissed.

14.03.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No