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

**TA No.367 of 2022 (O&M)
Date of decision: 12.09.2022**

Preeti

....Petitioner

Versus

Raj Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parmod Kumar, Advocate
for the petitioner.

Mr. Mohit Rathee, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the petition/case No.HMA-13-2022 dated 04.01.2022 filed under Section 13 of the Hindu Marriage Act, pending in the Family Court, Ambala to any other competent Court at Jhajjar.

Counsel for the petitioner has argued that the marriage of the petitioner was solemnized with the respondent on 12.02.2012 and two children i.e. a son and a daughter were born, who are presently aged about 8 years and 4 years, respectively. It is further submitted that the petitioner/wife was diagnosed with Tuberculosis and she remained on medicine for a long time and due to this reason, the respondent/husband has ousted her from the matrimonial home. It is also argued that now the respondent/husband has filed a petition under Section 13 of the Hindu Marriage Act and the same be transferred from Ambala to Jhajjar where the petitioner/wife is residing with her parents.

The respondent/husband has filed the written statement and has contested the same on the ground that the petitioner/wife without any reason has left the matrimonial home in the year 2016, leaving behind the newly born baby girl with the respondent/husband. It is further contended that in the year 2016, the respondent/husband has filed a petition under Section 9 of the Hindu Marriage Act before the Family Court at Bhiwani in which the petitioner/wife agreed for rehabilitation and the petition was disposed of and thereafter, the petitioner/wife lived with the respondent/husband for some time and again left the company without any information and in this regard, the respondent/husband had got registered an FIR. After 26 days, the petitioner/wife was traced by the police and the FIR was later on cancelled. It is further submitted that the petitioner/wife is in the habit of leaving her matrimonial home again and again without informing any person and leaving behind both the minor children in the custody of the respondent/husband. It is also argued that the respondent is a Senior Section Engineer in the Indian Railways, presently posted at Ambala where both the minor children are residing in his care and custody and therefore, it is very difficult for him to pursue the petition at Bhiwani in case the same is transferred.

Counsel for the respondent/husband could not dispute the fact that both the minor children aged about 04 years and 08 years, respectively are living in the care and custody of the respondent/husband and it is also not disputed that the petitioner/wife had agreed to rehabilitate with the respondent/husband during the

proceedings under Section 9 of the Hindu Marriage Act and later on, she again left the company of the respondent/husband.

In view of the peculiar facts and circumstances of the case, this Court finds no ground to transfer the petition from Ambala to Bhiwani, looking into the convenience of the respondent/husband, who is taking care of the two minor children and also in view of the fact that nothing has come on record about any substantive cause for the petitioner to leave the matrimonial home.

Accordingly, this petition is dismissed. However, the respondent/husband will pay Rs.1,000/- towards the travelling expenses on each and every date of hearing, when the petitioner/wife will appear before the Court at Ambala.

(ARVIND SINGH SANGWAN)
JUDGE

12.09.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No