

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

TA No.331 of 2020

Date of decision: 31st March, 2022

Richa Bansal

... Applicant

Versus

Ishu Goel

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gautam Diwan, Advocate for the applicant.

Mr. V.K. Aggarwal, Advocate for the respondent.

FATEH DEEP SINGH, J.

The applicant wife Richa Bansal who resides in S.A.S. Nagar (Mohali) through this invocation under Section 24 of the CPC read with Section 151 CPC has sought transfer of petition bearing No.HMA/43/2019 dated 11.01.2019 under Section 13 of the Hindu Marriage Act, 1955 (Annexure P1) seeking dissolution of marriage by decree of divorce filed by the respondent husband pending in the Court of Principal Judge, Family Court, Karnal to Mohali. The primary ground is that it is due to financial and physical inability of the applicant, she cannot attend to each and every date of hearing at a far off place claiming it to be a journey of more than three hours. The husband in his response to the application has denied the averments claiming that it is on the basis

of false stand the wife has filed the petition and in fact due to the husband having run into financial straits has disserved him and the present application is a ploy to pressurize the husband to accede to the ingenuine demands of the wife.

Appreciating the arguments of the two sides, the couple had married in the year 2017 and apparently has not been bestowed with any child. It is strongly submitted by Mr. V.K. Aggarwal, learned counsel for the respondent husband that the wife is living with her parents along with two grown-up brothers and therefore her claim that there is no one to accompany her to attend the hearings is unfounded. The same could not be controverted in the submissions of learned counsel for the applicant wife by her counsel Mr.Gautam Diwan, Advocate.

In this modern era, we are talking of equality of sexes and both, the husband and the wife, need to be treated at par and the Court cannot fall prey to dispense preferential justice to the wife at the cost of the husband. Since the wife is a resident of Mohali and the husband is resident of Karnal and the relative distance between the two places is approximately 120 kms, it would subserve the ends of justice if the matter is transferred to a place in-between these two stations so that neither the husband nor the wife is at an disadvantageous position as far as distance is concerned.

In the light of the same, the instant application is partly allowed. The petition bearing No.HMA/43/2019 dated 11.01.2019 titled as 'Ishu Goel vs. Richa Bansal' under Section 13 of the Hindu Marriage Act, 1955 (Annexure P1) pending in the Court of learned Principal Judge, Family Court, Karnal is ordered to be transferred to the District Judge, Kurukshetra who may entrust it to a Court of competent jurisdiction at Kurukshetra.

(FATEH DEEP SINGH)
JUDGE

March 31, 2022

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No