

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

TA 334 of 2020 (O&M)

Date of Decision: March 28, 2022

Taruna Verma

...Petitioner

Versus

Anuj Kumar Verma

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Mohit Rathee, Advocate
for the petitioner.

None for the respondent.

FATEH DEEP SINGH, J. (Oral)

The parties to this application for transfer were married on 22.01.2018 and out of the wedlock no child was born to the couple. On account of matrimonial dispute, a petition under Section 13(1)(ia) and (ib) of Hindu Marriage Act, 1955 (in short, '**the Act**') was filed by the husband in a family Court at Gurugram.

It is in pursuance of this invocation by the husband, the wife has come up in the present application under Section

151 C.P.C. (in fact relief is under Section 24 CPC) seeking transfer of the petition from the Family Court Gurugram to the Family Court, Rohtak where she is residing.

Though notice of the application was given to the respondent but he did not appear in spite of being aware of the proceedings and in the light of interim order passed by this Court staying the proceedings before the Family Court.

Heard Mr. Mohit Rathee, Advocate for the petitioner and perused the record.

The primary ground in this transfer application is that the father of the petitioner wife namely Krishan Kumar Verma is suffering from medical illness and because of Covid-19 situation, she has to look after her father as well as to cover the distance between two places to contest the litigation.

Admittedly as is there, the details of the ration card certified by A.F.S.O, Sonapat reflects that the family of the applicant consists of father aged 49 years, mother aged 45 years, two sisters aged 22 and 21 years and a brother aged 15

years and in all totalling five members in the family, thus, the same rather negates the plea that there is no one to look after the ailing father and even the medical documents annexed therewith are reflective that there is only problem of predominating cough akin to lung disease as a whole which would not necessitate the presence of the applicant/petitioner to look after the father who does not claims to be a medic. What one can decipher from the averments is that the wife seeks to get the matter transferred from Gurugram to Rohtak purely on a frivolous unsustainable ground. No doubt, relevant distance between Gurugram to Rohtak for which the applicant/petitioner has to travel but at the same time by granting such a prayer husband cannot be put to inconvenience as well and to make him to travel a great distance. Merely because petitioner is a lady does not makes out a case of undue sympathies. There is apparently no genuine and bonafide ground for transfer. So in the interest of justice, it will subserve the purpose if the matter is transferred to a place which is equally distant from Gurugram as

well as Rohtak and therefore the divorce petition titled as Anuj Kumar Verma Vs. Smt. Taruna Verma (Annexure P-1) dated 17.03.2020 pending in the Family Court, Gurugram is hereby ordered to be transferred to the Family Court at Jhajjar, Haryana where the parties shall put in appearance on 11.04.2022.

Disposed off accordingly.

March 28, 2022

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No