

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

TA-474-2022

Date of decision: 12.05.2022

Shamma Choudhary

.....Petitioner

versus

Vaibhav Ghavri

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rahul Singla, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

In HMA case No.HMA/83/2022 under Section 13(1)
(1a) of the Hindu Marriage Act titled as 'Vaibhav Ghavri versus
Shamma Choudhary' pending before the Court of the learned
Principal Judge, Family Court, Panchkula, Haryana (Annexure P-
2), the wife has invoked the jurisdiction of this Court under
Section 24 of the CPC seeking its transfer to a Court of competent
jurisdiction at Karnal.

Upon hearing counsel for the two sides and perusal of
the records, the primary ground set up by the wife is on account of
distance she has to tread between Karnal and Panchkula and claims
that she is unable to contest the litigation and, hence, the prayer for
transfer.

Appreciating the submissions of Mr. Rahul Singla, Advocate for the petitioner and perusal of the records, the relative distance between the two places is approximately 120 KMs and both are towns which are connected through a main highway with better and advanced mode of transportation of different types. The wife certainly is looking after a girl child aged around 05 years and had instituted other litigations against the husband and which could be a ground for the wife for discomfort to attend the hearings but at the same time, the respondent/husband who is a professional Doctor has to carry on with his avocation and it may not be possible for him too to attend the hearings at Karnal where the wife claims to have instituted maintenance application under Section 125 Cr.P.C. besides other litigations and apparently, there is no exceptional hardship necessitating acceding to this prayer, however, to assuage the feeling that has creep in, it would subserve the ends of justice if the present petition is allowed to the limited extent and to prevent any undue hardship to both the sides, the proceedings in a case bearing No. HMA/83/2022 titled as 'Vaibhav Ghavri versus Shamma Choudhary' under Section 13(1) (1a) of the Hindu Marriage Act pending before the Court of learned Principal Judge, Family Court, Panchkula is ordered to be

transferred from Panchkula to a place in between the two cities, that is, Kurukshetra, which is roughly equidistant for both the sides.

The matter be put up before the learned Principal Judge, Family Court, Panchkula, who may either keep the matter with himself or entrust to some other Court of competent jurisdiction.

The present petition stands partly allowed.

12.05.2022

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No