

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

TA No.665 of 2021

Date of decision: 19th April, 2022

Heena

... Applicant

Versus

Sumit Sehgal

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.C. Shahpuri, Advocate for the applicant.

Mr. Abhinav Gupta, Advocate for the respondent.

FATEH DEEP SINGH, J.

Through this invocation applicant wife Heena has sought in terms of Section 24 of the Civil Procedure Code transfer of petition titled 'Sumit Sehgal vs. Heena' under Section 13 of the Hindu Marriage Act, 1955 which is pending in the Court of learned District Judge, UT Chandigarh to a competent Court of Yamunanagar at Jagadhri. The primary ground of the applicant is on account of long distance she has to traverse to enable her to attend the hearing. The husband in his response has denied the averments and claimed that the application is nothing but misuse of the process of the Court and that the wife is very much resident of House No.350, Sector 32-A, Chandigarh and has placed on record proof to this effect.

Appreciating the submissions, the couple entered into wedlock on 12.11.2017 at Mohali. The wife claims to be resident of

District Yamunanagar (Haryana) and claims to have fallen apart on account of mental and physical cruelty from the side of the husband. It is admitted stand that the husband is carrying on business activities whereas the wife claims that she has no source of income and is totally dependent upon her family at this juncture.

The contentions of the learned counsel for the applicant that the convenience of the wife is of paramount consideration, does not impress the Court much. It is not a case where the wife claims that she is illiterate, physically disabled or is unable to attend because of circumstances where there is reasonable apprehension that she might not get justice. No doubt, the couple are litigating over various litigations and the wife too has filed complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the husband. The print-outs from the Whatsapp status of the wife (Annexure R1 and R2) though have shown the wife to be staying in Chandigarh and the claim of the husband in his reply to this effect has not been successfully controverted by the wife by either filing rejoinder to it or a counter-affidavit. More so, distance between Chandigarh where the litigation is claimed to be pending and Yamunanagar is only 100 kilometers, not much far off keeping in view the present facilities available for journey. It is further not illustrated by any means how or by what means there are compelling reasons for the wife unable to attend the hearing and being a

civil litigation can merely instruct her counsel and need not appear on each and every date of hearing in the Court.

There is no apparent reason for acceding to the prayer of the applicant which is more by way of compelling the husband to cover the distance to attend the hearing. This Court does not feel inclined to consider the prayer of the applicant and grant the relief in question. The transfer application being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 19, 2022

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No