

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

**TA No. 460 of 2020 (O&M)
Date of decision: 20.07.2022**

Vanita Kohli

...Petitioner

Versus

Ram Kumar Kohli

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner-wife.

Mr. G. C. Shahpuri, Advocate
for the respondent-husband.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955, titled as ***Ram Kumar Kohli vs. Vanita Kohli***, pending before the Family Court, Yamuna Nagar at Jagadhri to the competent Court of jurisdiction at Amritsar.

Learned counsel for the petitioner-wife submits that the marriage of the petitioner was performed with the respondent on 12.08.2005 according to Hindu rites and ceremonies and out of this wedlock, two children, now aged about 14 years and 11 years, were born, who are living in the care and custody of the respondent-husband.

Learned counsel further submits that the respondent-husband was earlier doing a job at Noida, Uttar Pradesh and the petitioner-wife was also doing a job at Gurugram and after the lockdown, imposed due to

COVID-19, she is staying at Amritsar along with her parents and is working from home. It is further submitted that due to quarrelsome behaviour of the respondent-husband, the petitioner-wife was turned out of the matrimonial home in November, 2019 and the children are in the custody of the respondent.

Learned counsel further submits that now the respondent-husband has filed a petition under Section 13 of the Hindu Marriage Act before the Family Court, Yamuna Nagar at Jagadhri and the same may be transferred to a competent Court of jurisdiction at Amritsar as there is a distance of about 300 Kms between Yamuna Nagar and Amritsar and the petitioner is apprehending threat to her life and liberty.

Reply, filed on behalf of the respondent-husband, is on record.

Learned counsel for the respondent-husband submits that the petitioner-wife is an educated lady, who has done B.Tech and in fact it is the petitioner, who used to quarrel with the respondent on petty issues and she voluntarily left the matrimonial home on 05.11.2019. It is further submitted that the respondent-husband is maintaining two school going children and, therefore, it is difficult for him to travel to Amritsar with regard to aforesaid case as he has to take care of his minor children as well.

Learned counsel for the respondent further submits that not only the petitioner is earning well but her parents are also doing business and earning well, therefore, there is no difficulty for the petitioner to contest the said case at Yamuna Nagar.

Learned counsel for the respondent has additionally argued that prior to filing of the present petition under Section 13 of Hindu Marriage

Act by the respondent-husband, the petitioner has even filed a complaint before the Punjab State Women Commission, which was inquired into by the Investigating Officer at Police Station Women, Amritsar and vide its report dated 19.10.2020 (Annexure R-1), it is stated that the petitioner-wife has already taken the entire gold and other articles and the children are not residing with her as she is not interested in taking them back, therefore, it was recommended to consign the complaint.

Learned counsel for the respondent-husband further submits that the salary of the petitioner-wife, as per salary certificate (Annexure R-2), is Rs. About 50,000/- per month and she has no liability towards the children, who are being maintained by the respondent-husband.

After hearing learned counsel for the parties, I find that in case the aforesaid petition, filed by the respondent-husband under Section 13 of the Hindu Marriage Act, is transferred from Yamuna Nagar at Jagadhri to Amritsar, the respondent-husband, who is maintaining two school going minor children, will be put to unnecessary inconvenience and since the petitioner-wife herself is earning well and has no responsibility of children, she can easily travel to Yamuna Nagar to attend the Court proceedings.

In view of the above, finding no merit in the present petition, the same is dismissed.

20.07.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No