

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

TA No.479 of 2020

Date of decision: 7th April, 2022

Deepika

... Applicant

Versus

Amit Jangra

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep K. Sharma, Advocate for the applicant.

Mr. Ajit Lamba, Advocate for the respondent.

FATEH DEEP SINGH, J.

Present application under Section 24 CPC read with Section 151 CPC has been preferred by the wife Deepika against respondent husband Amit Jangra seeking indulgence of this Court for transfer of HMA case titled as 'Amit Jangra vs. Deepika' (DMC/829/2020) (Annexure P1) pending in the Court of Principal District Judge, Family Court, Hisar to the Court of competent jurisdiction at Rohtak.

The primary grounds are that the wife has seven months old minor daughter whom she is to look after and the husband on account of matrimonial dispute has preferred a petition under Section 13 of Hindu Marriage Act, 1955 seeking dissolution of marriage by way of decree of divorce, and which petition she seeks to get transferred as she is residing with her parents at Rohtak and has thus to cover a distance of almost 90/95 kms and has thus has sought the relief in question.

Respondent husband in his stand claims that the present application is frivolous based on false grounds and the distance between the two places is only 90 kms. Terming each and every claim to be figment of imagination of the wife, sought its dismissal.

Upon hearing Mr. Sandeep K. Sharma, Advocate for the applicant; Mr. Ajit Lamba, Advocate for the respondent and perusing the records of the case.

It is duly acceded that the distance between Rohtak and Hisar is around 90/95 kms, together with the fact as is the stance taken by the husband, the couple has a small minor child who is being looked after by the wife. No doubt, being a civil litigation presence of the applicant may not be necessary on each and every date of hearing but whenever required she will certainly required to tread the distance which might be to the discomfiture of the small child who is few months old. More so, the husband has sought to get the marriage annulled purely on the ground which on the face of it is quite unsustainable and hilarious to the effect that the wife has concealed her problem of diabetes. Rather to the mind of this Court, this further adds to the woes of the desolate wife and it would be all the more difficult for her to make to and fro journey to attend the hearing because of her medical treatment and thus, supports a ground of wife which is a bona fide ground for transfer of the matter.

Keeping in view this sad plight of the wife, the present transfer application is allowed. The case titled as 'Amit Jangra vs.

Deepika’ (DMC/829/2020) (Annexure P1) pending in the Court of Principal District Judge, Family Court, Hisar is ordered to be transferred to the District Judge, Rohtak who may further entrust it to the Court of competent jurisdiction at Rohtak.

(FATEH DEEP SINGH)
JUDGE

April 7, 2022
rps

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