

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA 624/2019

Date of decision:17.11.2022

Nand Kishore

.....Petitioner

Vs.

Manjit Kaur

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.AS Kang, Advocate for the petitioner/husband
 Mr.Ajay Redhu, Advocate for the respondent/wife

Nidhi Gupta,J.

Petitioner husband has filed this Transfer Application with a prayer to transfer the petition under Section 13 of the HMA bearing case HMA No. 71/2019 titled as 'Manjit Kaur v Nand Kishore', filed by respondent wife, from the Court of Distt. & Sessions Judge, Mansa to a Court of competent jurisdiction at Hisar.

Learned counsel for the petitioner submits that the marriage between the parties was solemnized at Jind on 2.12.2015 according to Hindu rites and ceremonies. After marriage the parties lived and cohabited together at Village Niyana Tehsil and District Hisar. However, no child was born out of the said marriage. It is further alleged that due to short temper and quarrelsome nature

of the respondent, matrimonial disputes arose between the parties and ultimately respondent left her matrimonial home in 20.1.2019. At present the respondent is stated to be living and working as a Teacher at Jind. It is stated that it is 3-hour journey between Hisar and Mansa being 140 kilometers away from each other. It is then submitted that FIR No.252 dated 5.11.2018 under Sections 323,34,406,498-A,506 IPC, at Women PS Jind, was got registered against the petitioner and his family members, by the sister of the respondent by stating therein that she alongwith respondent were living with their parents at Dhabi Tek Singh, Distt. Jind. It is alleged that now in order to harass the petitioner, the respondent has filed the aforesaid divorce petition at Mansa by stating that she is residing there with her maternal uncle. Reference has also been made to a failed compromise effort between the parties.

Transfer of the divorce proceedings initiated by respondent wife, as already noticed above, from Mansa to Hisar is sought on the ground that (i) distance between these two stations is 140 kilometers; (ii) petitioner is working as a Teacher in a private school; (iii) respondent wife prior to her marriage as well as of now is working as a teacher at Delhi Global Public School, VPO Data Singh Wala, District Jind; and (iv) that divorce proceedings at Mansa have only been initiated by the respondent wife just to harass the petitioner.

Learned counsel for the petitioner further states that he is aware of the preponderance of law on this issue being in favour of the wife, however prays that the divorce proceedings initiated by respondent wife at Mansa be at least transferred to Jind, instead of Hisar as originally prayed for in the instant Transfer Petition as Jind is at a distance of about 70 kilometers from the residence of petitioner at Hisar.

At this stage, Mr. Ajay Redhu, Advocate has put in appearance on behalf of the respondent wife upon notice, and submits his Memo of appearance which is taken on record. Ld. Counsel states that he has been instructed by the respondent to state that she has no objection in case the divorce proceedings pending at Mansa are transferred to Jind where she is working as Teacher.

In view of the agreed stand between the learned counsel for the parties, the present Transfer Application is allowed, petition under Section 13 of the HMA, as detailed in opening para of this order, is transferred from Mansa to a Court of competent jurisdiction at Jind subject to the following conditions:-

- a) The petition filed by respondent wife under Section 13 of the Hindu Marriage Act, bearing HMA 71/2019 pending in the Court of District and Sessions Judge, Mansa is transferred to a Court of competent jurisdiction at Jind.
- b) The ld. District Judge, Mansa is directed to transfer complete record pertaining to the aforesaid case to District Judge, Jind.
- c) The parties, through their counsel, are directed to appear before the District & Sessions Judge, Jind on 12.12.2022 for further proceedings in accordance with law.
- d) The District Judge, Jind will assign the said petition to a Court of competent jurisdiction.

The concerned Court at Jind will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.

Disposed of.

Pending application(s),if any, also stand disposed of.

17.11.2022
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No