

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

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**TA-1004-2021
Decided on : 15.03.2022**

Poja Kapoor

... Applicant(s)

Versus

Harish Kapoor

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Chirag Wadhwa, Advocate
for the applicant(s).

Mr. Sandeep Goyal, Advocate
for the respondent(s).

MANJARI NEHRU KAUL, J. (Oral)

The applicant is seeking transfer of a petition under Section 13 of the Hindu Marriage Act, 1955, titled as, “Harish Kapoor Vs. Pooja” (annexed as Annexure P-1) filed by the respondent, from the Family Court at Kaithal to the Court of competent jurisdiction at Karnal, where she is residing after being ousted from her matrimonial home.

Learned counsel for the applicant *inter alia* contends that after she was ousted from her matrimonial home, the applicant has been residing with her mother at Karnal and the distance between the Karnal and Kaithal is approximately 55 kilometers and hence, she would be greatly inconvenienced to travel to Kaithal on each and every date of hearing. It has also been submitted that there are couple of other cases already pending before the Courts at Karnal, the details of which are as under:-

(i) Petition u/s 125 Cr.P.C.

- (ii) FIR No. 351 of 2019, registered u/s 354-D, 509 IPC,
Section 66-D, 67-A of the IT Act.

On being put to notice, the respondent entered appearance through his counsel.

Learned counsel for the respondent while opposing the prayer for transferring the case from Kaithal to Karnal, submitted that the cousin of the applicant had been extending threats of dire consequences to him and hence, it would not be safe for him to travel to Karnal. However, he has submitted that he would not be averse to the case being transferred to Kurukshetra, which is midway between Karnal and Ambala, where he is presently posted. In support of his submissions *qua* the threats extended to the respondent, learned counsel has drawn the attention of this Court to the reply filed by him, wherein, the registration of FIR No. 493, dated 09th November, 2019, u/s 67 of the IT (Amendment) Act, 2008, lodged at Police Station Kaithal, clearly stands reflected.

I have heard learned counsel for the parties and perused the relevant material on record.

The Hon'ble Supreme Court in a plethora of judgments including *Neelam Kanwar Versus Devinder Singh Kanwar, 2000(10) SCC 589* and *Sumita Singh Versus Kumar Sanjay and another, 2002 AIR(SC) 396*, in unequivocal terms has observed that in matrimonial disputes between the spouses, convenience of the wife must be given due consideration.

Hence, in the wake of the observations of the Hon'ble Supreme Court coupled with the facts as referred to above, this Court

deems it fit to transfer the petition in question at a Court of competent jurisdiction, which is easily approachable and safe for both the parties. Accordingly, the petition in question pending in the Court of Principal Judge, Family Court, Kaithal, which is still at the initial stage, is hereby withdrawn from that Court and is transferred to the Family Court, Kurukshetra for disposal of the same, in accordance with law. The parties through their counsel are directed to appear before the Family Court, Kurukshetra on 18.04.2022.

Petition stands disposed off in the above terms.

(MANJARI NEHRU KAUL)
JUDGE

March 15, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*