

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

212

(Through Video Conferencing)

TA-674-2019

Date of decision: 10.03.2022

SEEMA

.....Applicant

Versus

VIJENDER

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Wazir Singh, Advocate
for the applicant.

Mr. Parminder Singh, Advocate and
Mr. Sukhdeep Singh, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 24 of C.P.C., for transferring of the petition filed under Section 9 of the Hindu Marriage Act, 1955 bearing No.HMA/664/2019, titled as, “Vijender Vs. Seema”, pending before the Court of learned Principal Judge, Family Court, Karnal, to any court of competent jurisdiction at Panipat.

Learned counsel for the applicant contends that the applicant, who is residing at Panipat in her parental home along with her two minor children aged 3 and 6 years, has no source of income and is thus totally dependent on her parents. Learned counsel submits that petition under Section 9 of the Hindu Marriage Act, 1955 was filed by the respondent at Karnal just to harass and humiliate the applicant. An application under Section 125 Cr.P.C. filed by the applicant on

30.05.2019 was also pending at Family Court, Panipat. Learned counsel further submits that it will be very difficult for her to travel from Panipat to Karnal for attending the court proceedings in the petition instituted under Section 9 of the Hindu Marriage Act, 1955 by the respondent as she has no one to accompany her.

Notice of the application was given to the respondent, who has entered appearance through his counsel.

Learned counsel for the respondent-husband while opposing the prayer of the applicant-wife, submits that the distance between Karnal and Panipat is about 40 kms. one way, therefore, no inconvenience would be caused to the applicant.

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, in particular to the factum of the applicant having two minor children to take care of and a petition under Section 125 Cr.P.C. already pending at Family Court, Panipat, this Court is of the opinion that the ends of justice demands that the instant application be allowed.

Accordingly, the application is accepted. The petition in question pending in the Court of Principal Judge, Family Court, Karnal,

is withdrawn from that Court and transferred to the Family Court at Panipat, for disposal in accordance with law. Parties through counsel are directed to appear there on 18.04.2022.

10.03.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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