

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

TA-573-2020

Date of decision: 21.04.2022

Renu Gautam

.....Petitioner

versus

Naveen Kaushik

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Abhishek Sharma, Advocate
for the petitioner.

Mr. Sanjeev Majra, Advocate
for the respondent.

FATEH DEEP SINGH, J.

The applicant/petitioner-wife-Renu Gautam has come up in this transfer application under Section 24 of CPC seeking transfer of her matrimonial dispute filed by way of petition of divorce under Section 13 of the Hindu Marriage Act titled as 'Naveen Kaushik versus Renu Gautam' filed by the husband pending in before the Principal Judge, Family Court at Rohtak to Panipat.

The grouse of the wife is that of the distance between the two places and the fact that the husband is a police official.

Upon hearing learned counsel of both the sides and on perusal of the records, the relative distance between Rohtak and Panipat, admittedly, is merely 70 KMs which cannot be termed to

be arduous distance which can be a compelling circumstance to accede this prayer of the wife. It is the own stand of the wife that the couple is litigating over various legal matters including the complaint filed by herself under Section 12 of Protection of Women from Domestic Violence Act, 2005. Besides criminal complaint, there is an allegation against the husband that this was his second marriage and was responsible for atrocious acts against the applicant/wife which can be never enumerated in the petition by any means. The husband is posted in Panchkula and, thus, is not much of element of intimidation at such a far off place of Rohtak. The wife is an educated lady living with her parents, the litigation which she intends to get transferred is mere civil in nature, where, her presence on each and every date of hearing is not at all necessitated. Moreover, she can instruct her counsel if so necessitated at the hearing. It is a matter of common knowledge as has been argued by counsel for the respondents Mr. Sanjeev Majra, Advocate that this provision of law of transfer has been the most misused one, at the behest of the fairer sex, certainly, is not unfounded and as this Court has come across is the most commonly resorted to means by way of revenge and vengeance.

The counsel for the applicant/petitioner could not

convince this Court by any means how there has been compelling extraordinary circumstances which would impede the wife from seeking justice in a Court of law.

This Court does not feel inclined to accept the prayer of the petitioner/wife and, thus, the petition being hopelessly without merits, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

21.04.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No