

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

**Transfer Application No. 1195 of 2022
Date of decision: 24.11.2022**

Vaibhav Ghavri

.....Petitioner

vs

Shamma Choudhary

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Gurpalak Kaur, Advocate
for the petitioner-husband.

Mr. Rahul Singla, Advocate
for the respondent-wife.

NIDHI GUPTA, J.(Oral)

1. Prayer in this petition filed by petitioner-husband is for transfer of the petition filed by him under Section 13(1)(1a) of the Hindu Marriage Act, 1955 titled "Vaibhav Ghavri vs. Shamma Choudhary" pending in the Court of Principal Judge, Family Court, Kurukshetra to a Court of competent jurisdiction at Karnal.

2. Learned counsel for the petitioner has contended :-

- i) that the parties were married on 15.2.2016 according to Hindu rites and rituals.
- ii) that a girl child was born out of this wedlock, who is around 5 years of age and is in the care and custody of the respondent-wife.
- iii) that the petitioner-wife is living separately from the respondent-husband since 21.12.2021 and living with her parents at Karnal.

- iv) that both the petitioner and the respondent are qualified Dental Surgeons and were running a dental clinic in the name and style of “Dental Care Clinic” in SCO No.83, First Floor, Sector 10, Panchkula and after differences the petitioner had shifted his practice to another clinic at Booth No.62, Sector 10, Panchkula.
- v) The petitioner-husband has filed the petition under Section 13(1)(1a) of the Hindu Marriage Act, which is pending before the Principal Judge, Family Court, Kurukshetra.

The proceedings arising out of petitions (1) under Section 125 Cr.P.C.; (2) under Section 12 of the Protection of Women from Domestic Violence Act, 2005; and (3) FIR No.214 dated 29.3.2022, under Sections 323, 406, 498-A and 506 IPC, registered at Police Station Sector 32-33, Karnal, filed by the respondent-wife, are pending in the Courts having competent jurisdiction at Karnal.

That the petition filed by the petitioner-husband in case bearing No.HMA/83/2022 under Section 13(1)(1a) of the Hindu Marriage Act titled as ‘Vaibhav Ghavri vs. Shamma Choudhary’, pending before the Court of Principal Judge, Family Court, Panchkula, Haryana has already been ordered to be transferred from Panchkula to Karnal, where the respondent-wife used to live alongwith her parents, vide order dated 12.5.2022 passed by this Court in T.A. No.474 of 2022, titled ‘Shamma Choudhary vs. Vaibhav Ghavri’.

3. It is inter alia on these grounds that petitioner-husband prays for transfer of the case, as detailed in para 1 above so that he may face the proceedings in all cases at one place.

Learned counsel for the respondent has put in appearance and filed memo of appearance on behalf of respondent. The same is

taken on record. Learned counsel for the respondent states that he has no objection in case the petition filed by petitioner-husband under Section 13(1)(1a) of the Hindu Marriage Act,1955 titled “Vaibhav Ghavri vs. Shamma Choudhary” pending in the Court of Principal Judge, Family Court, Kurukshetra is transferred to a Court of competent jurisdiction at Karnal as prayed for by the petitioner. He further submits that the proceedings in petitions under Section 125 Cr.P.C., under Domestic Violence Act and in the FIR (mentioned above) are already going on in the Court at Karnal and it would be in favour of both the parties that if the petition (mentioned in para 1) be transferred as prayed for.

4. I have heard learned counsel for the parties.

In view of the facts mentioned above and as the counsel for the respondent-wife has no objection in allowing the prayer of the petitioner-husband, this Court deems it appropriate to allow the present petition, subject to the following conditions:-

- a) The petition filed by petitioner husband under Section 13(1)(1a) of Hindu Marriage Act,1955, bearing HMA/581/2022 titled as ‘Vaibhav Ghavri vs. Shamma Choudhary’, pending in the Court of Principal Judge, Family Court, Kurukshetra is transferred to a Court of competent jurisdiction at Karnal.
- b) The Id. District Judge, Kurukshetra is directed to transfer complete record pertaining to the aforesaid case to District Judge, Karnal.
- c) The parties are directed to appear before the District & Sessions Judge, Karnal on 22.12.2022.

d) The District Judge, Karnal will assign the said petition to the Court of competent jurisdiction.

8. The concerned Court at Karnal 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.

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

11. I am supported by the decisions rendered by a Co-ordinate Bench of this Court in **TA No. 1315/2022, Rohini Arora v Nitin Talwar; TA No. 1322 of 2022, Jaswinder Kaur v Gurvinderjeet Singh; and TA No. 1323 of 2022, Usha Rani v Karmajit Singh.**

Disposed of.

Pending application(s), if any, stands disposed of.

November 24, 2022

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

YES/NO

Whether Reportable

YES/NO