

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**T.A. No. 1219 of 2021
Date of Decision:23.3.2022**

Upasana Goyal

---Applicant

versus

Saurabh Gupta

---Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep K. Sharma, Advocate
for the applicant

Mr. Amit Jain, Advocate
for the respondent

MANJARI NEHRU KAUL, J.

The applicant is seeking transfer of a petition under Section 13 of the Hindu Marriage Act, 1955 bearing No. HMA/1664/2021 (Annexure P-1) filed by the respondent, from Family Court, Faridabad to Family Court, Rohtak where she is residing after being ousted from her matrimonial home.

The grounds on which the applicant is seeking transfer are that she has no source of income and has been living at the mercy of her parents in Rohtak and in order to defend the case at Faridabad, she would have to travel a distance of approximately 140 Kms (one way). It is also averred that that case titled "State vs. Saurabh Gupta" CHI-1639 of 2019 (FIR No. 53 dated 8.6.2019 under Sections 323, 34, 377, 406, 498-A and 506 IPC registered at Police Station Women Police Station, Rohtak) and a petition under Section 125 Cr.P.C are pending in the courts concerned at Rohtak.

Her father and both brothers are engaged in their business. Hence, it would be very inconvenient and rather difficult for her to commute to the Court at Faridabad from Rohtak on each and every date of hearing.

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

Learned counsel for the respondent opposed the prayer made by the applicant for transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 from Faridabad to Rohtak by urging that the distance from Faridabad to Rohtak was not such that the applicant could not travel. He submitted that the applicant was intentionally wanting to get the case transferred to Rohtak so as to cause harassment to the respondent.

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 fact that case titled "State vs. Saurabh Gupta" CHI-1639 of 2019 (FIR No. 53 dated 8.6.2019 under Sections 323, 34, 377, 406, 498-A and 506 IPC registered at Police Station Women Police Station, Rohtak) and a petition under Section 125 Cr.P.C are pending in the courts concerned at Rohtak, 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, Faridabad is withdrawn from that Court and transferred to the Family Court at Rohtak, for disposal in accordance with law. Parties through counsel are directed to appear there on 27.4.2022.

(MANJARI NEHRU KAUL)
JUDGE

23.3.2022
PARAMJIT

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No