

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

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(Through Video Conferencing)

TA-1253-2021

Date of decision: 10.03.2022

SHMA PRIYA

.....Applicant

Versus

MUKUL GUPTA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shubham Mehta, Advocate
for the applicant.

Mr. Sanjeev Kumar Arora, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

Learned counsel for the applicant contends that the applicant is suffering from 'thalassemia minor' which causes deficit formation of hemoglobin in the body leading to early fatigue and weakness. Learned counsel submits that in view of her medical ailments coupled with the distance which the applicant would have to travel on each and every date of hearing from Gurugram to Moga which is almost 383 kms. the petition under Section 13 of the Hindu Marriage Act, 1955 bearing No.HMA/393/2021 titled as 'Mukul Gupta Vs. Shma Priya' be withdrawn from the Court of learned Principal Judge, Family Court, Moga and transferred to a Court of competent jurisdiction at Gurugram.

On being put to notice, learned counsel for the respondent has entered appearance.

Learned counsel for the respondent-husband while opposing the prayer of the applicant-wife, submits that the applicant is

a working woman and has been travelling to various places, therefore, she is accustomed to and capable of travelling alone. Learned counsel further submits that since Moga and Gurugram are well connected by rail as well as road transport, 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, the distance between Moga and Gurugram, being more than 383 kms. where the wife is residing coupled with the medical condition of the applicant, 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 The petition in question pending in the Court of Principal Judge, Family Court, Moga, is withdrawn from that Court and transferred to the Family Court at Gurugram, for disposal in accordance with law. Parties through counsel are directed to appear there on 19.04.2022.

10.03.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No