

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

TA No.1115 of 2019

Date of decision: 26th April, 2022

Renu

... Applicant

Versus

Hemant

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Lalit K. Gupta, Advocate for the applicant.

Mr. Rajnikant Upadhyay, Advocate for the respondent.

FATEH DEEP SINGH, J.

The applicant petitioner wife Renu has come up in this transfer application under Section 24 of the CPC against respondent husband Hemant seeking transfer of case bearing No.CMC/1199/2019 titled 'Hemant vs. Renu' under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage of the parties by a decree of divorce from the Court of learned Addl. Principal Judge, Family Court, Sonipat to a Court of competent jurisdiction at Panipat.

Upon hearing Mr. Lalit K. Gupta, Advocate for the applicant; Mr. Rajnikant Upadhyay, Advocate for the respondent and perusal of the records.

It is there on the records that earlier the couple had filed on 22.8.2019 a joint petition under Section 13B of Hindu Marriage Act,

1955 before the Court at Panipat seeking dissolution of this marriage through mutual consent. However, the same was dismissed as withdrawn and it is thereafter the husband had filed subsequently a divorce petition before a Court at Sonipat which is the one the wife is trying to get transferred.

From the stand of the two sides, it is quite reflective that it is a pure egoistic approach of the couple inter-se which has led to this matrimonial disaccord. It was well admitted case that distance between Sonipat and Panipat is less than 50 kms and both these cities are situated on the main GT road adjoining to each other, not much of a distance in the present scenario of fast moving world. Moreover, being a civil litigation presence of the parties at each and every date of hearing is not at all necessitated and the wife can appropriately instruct her counsel to carry on his duties in contesting the litigation of the wife. It needs to be kept in mind that it is a matter of common knowledge that in every litigation between the husband and wife there is a flimsy ground for transfer of the matter by the fairer sex and therefore provisions of Section 24 CPC are the most misused provisions and puts the Court on its guard to ensure that such a misuse is nipped in the bud. It is only in exceptional circumstances and hardship the Court needs to accede to such prayer of a party. There is nothing tangible shown to this Court by learned counsel for the wife that there was apprehension of threat to her life at the hands of the husband and there is only

figment of imagination to seek sympathies of the Court and a favourable order for transfer. None of the exceptional circumstances has ever been pleaded or prima facie brought on record for the Court to accede to this prayer and this petition is only as a tool to harass and humiliate the husband as a mark of one upmanship. Finding no merit in the present application the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 26, 2022
rps

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