

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

115

TA-144-2023

Date of decision : 03.02.2023

Neha Thakur @ Neha

... Applicant

Versus

Neeraj

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rajvir Singh Sihag, Advocate for the applicant.

Anupinder Singh Grewal, J. (Oral)

The applicant has sought transfer of the petition filed under Section 9 of the Hindu Marriage Act bearing HMA No.1003 of 2022 filed by the respondent/husband pending in the Court of Addl. Principal Judge, Family Court, Ambala, to a court of competent jurisdiction at Jind.

Learned counsel for the applicant submits that **although the marriage of the parties had taken place at Ambala but after separation the petitioner-wife is residing at Jind with her parents. She does not have any source of income and is wholly dependent upon her parents. She is not being paid any maintenance by the respondents. It is, therefore, difficult for her to travel from Jind to Ambala where the respondent-husband had filed a petition under Section 9 of the Hindu Marriage Act. In support of his submissions, he has relied upon the judgments of the Supreme Court in the cases of N.C.V. Aishwarya vs A.S. Saravana Karthik Sha, 2022 Live Law (SC) 627 and Sumita Singh vs Kumar Sanjay, 2002 SC 396 and Rajani Kishor Pardeshivs Kishor Babulal Pardeshi, 2005(12) SCC 237, to submit that the Courts are required to give more weightage and consideration to the convenience of the female litigants.**

Heard.

I intend to dispose of this matter without issuance of notice to the respondent at this stage as otherwise further proceedings before the trial Court would have to be stayed and the applicant/wife would have to bear the litigation and transportation expenses. The applicant/wife is stated to be residing at Jind with her parents. She does not have any independent source of income. It would be difficult for her to travel to Ambala which is at a distance of 140 kms. from Jind. Therefore, it would be appropriate to transfer the petition from the Family Court, Ambala, to a court of competent jurisdiction at Jind. The concerned Court (Jind) will make endeavour to refer the case for Mediation for exploring the possibility of an amicable settlement between the parties.

The Coordinate Benches of this Court in the cases of **Rohini Arora vs. Nitin Talwar**, bearing TA No. 1315/2022, **Jaswinder Kaur vs. Gurvinderjeet Singh** bearing TA No. 1322 of 2022 and **Usha Rani vs. Karmajit Singh** bearing TA No. 1323 of 2022, in similar circumstances had allowed the transfer applications without issuance of notice. However, liberty is granted to the respondent to revive this petition, if he intends to contest the same, provided that:-

(a) The respondent will clear all arrears of maintenance amount, if any, in terms of any petition filed by the petitioner either under Section 125 Cr.P.C. or Section 12 of the Domestic Violence Act or Section 24 of the Hindu Marriage Act.

(b) The respondent will file an affidavit giving undertaking to pay Rs.1,000/- per day, to the petitioner for attending the Court proceedings at Family Court, Ambala on each and every date of

hearing.

(c) The respondent will bring a demand draft of Rs.25,000/-, drawn in favour of petitioner towards the litigation expenses to pursue the case at Family Court, Ambala in case the respondent opts to contest this petition.

Consequently, the petition is allowed and HMA No.1003 of 2022 filed by the respondent/husband pending in the Court of Addl. Principal Judge, Family Court, Ambala would be transferred to a court of competent jurisdiction at Jind. It is directed to send a copy of this order to the respondent through registered post, besides sending a copy of this order to the District Judges concerned through e-mail. The applicant/wife through her counsel is directed to ensure her appearance accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

February 03, 2023
sonia gugnani

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No