

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

**121**

**TA-176-2023**

**DATE OF DECISION: 13.02.2023**

**PREETI VERMA ALIAS DAIZY CHAUHAN**

... Applicant (s)

Versus

**ANIL VERMA**

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Ajay Partap Singh, Advocate for  
Ms. Renu Arora, Advocate for the petitioner.

**ANUPINDER SINGH GREWAL, J. (ORAL)**

The applicant has sought transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955 preferred by the respondent/husband for dissolution of marriage pending in the Court of Principal Judge, Family Court, Amritsar to a court of competent jurisdiction at Jalandhar.

Learned counsel for the applicant submits that the marriage of the parties was solemnized on 27.11.2005 at New Delhi. The petition has been filed by the respondent-husband at Amritsar while the petitioner along with her two children are residing at Jalandhar. It is difficult for her to travel to Amritsar and attend the proceedings as the petitioner is doing a private job and she has to perform her duty of looking after her children as well.

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 Pardeshi vs 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 Jalandhar along with her children and parents. It would be difficult for her to travel to Amritsar which is at a distance of 80 kms. from Jalandhar. Therefore, it would be appropriate to transfer the petition from the Family Court, Amritsar, to a court of competent jurisdiction at Jalandhar. The concerned Court (Jalandhar) 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, Amritsar 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, Amritsar in case the respondent opts to contest this petition.

Consequently, the petition is allowed and HMA No.2111 of 2022 filed by the respondent/husband pending in the Court of Principal Judge, Family Court, Amritsar would be transferred to a court of competent jurisdiction at Jalandhar. The Registry 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**

**13.02.2023**

SwarnjitS

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |