

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

**TA-810-2023 (O&M)
Date of decision: 29.08.2023**

Mohit Bansal

...Petitioner

Versus

Tanvi Singla

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transferring the petition, filed by the respondent/wife under Section 12(i)(C) of the Hindu Marriage Act, 1955 (*for short 'HMA'*) from the Family Court, Fatehabad to the competent Court of jurisdiction at Rohtak.

Learned counsel for the petitioner/husband submits that the respondent/wife has previously filed a transfer petition before this Court, bearing TA-175-2021, seeking transfer of the petition, filed by the petitioner/husband under Section 9 HMA, and the said petition was partly allowed on 02.05.2022 by passing the following order:

“In this transfer application under Section 24 of the CPC, the applicant/wife-Tanvi Singla is seeking transfer of a petition under Section 9 of the HMA, 1955 (in short ‘the Act’) bearing No. HMA/122/2020 titled as 'Mohit Bansal versus Tanvi Singla' from the Court of the learned Additional Civil Judge (Senior Division) Dera Bassi to the Court of competent jurisdiction at Fatehabad, Haryana.

The plea of the wife is based on the relative

distance of the two places from each other and her inability to attend the hearings.

Heard counsel for both the sides and perused the records.

As is the own stand of the wife, it is the eye ailment of the husband which is termed to be Retinitis Pigmentosa which is the reason for this matrimonial disaccord between the couple, for which, the wife claims that she has filed a petition under Section 12 (i) (C) of the Hindu Marriage Act, 1955 seeking annulment of the marriage on this ground and in the alternative, seeking a relief of divorce under Section 13 of the Act.

Keeping in view the own stance of the wife that the husband is suffering from serious eye ailment and which is conceded to by Mr. Ravish Bansal, Advocate for the respondent/husband and who has shown his apprehension that with due passage of time, the husband might go blind rather is a distressing feature in the way to the claim being laid by the wife. Admittedly, there are other litigations that have cropped up over this matrimony through this period. It would be in the fitness of things if the husband alone is not made to traverse such a distance from Dera Bassi to Fatehabad and the wife too, is supposed to cover this distance vice-versa. It would sub-serve the ends of justice if the present petition is allowed to the limited extent and to prevent any undue hardship to both the sides, the proceedings in a case bearing No. HMA/122/2020 titled as 'Mohit Bansal versus Tanvi Singla' under Section 9 of the HMA, 1955 pending before the learned Additional Civil Judge (Senior Division) at Dera Bassi is ordered to be transferred from Dera Bassi to a place in between the two cities, that is, Rohtak, which is roughly equidistant for both the sides.

The matter be put up before the learned Additional Civil Judge (Senior Division), who may either keep the matter with himself or entrust to some other Court of competent jurisdiction. The present petition stands partly allowed.”

Learned counsel for the petitioner submits that though the prayer in the aforesaid petition, filed by the respondent/wife, was to transfer the petition filed under Section 9 HMA from Dera Bassi to Fatehabad, however, this Court, by taking a conscious decision, transferred the same to Rohtak i.e. a place in between the said two cities and now the respondent/wife has filed the divorce petition at Fatehabad, which should also be transferred to Rohtak and clubbed with the petition filed under Section 9 HMA.

Notice of motion.

Mr. Akshit Bhagat, Advocate, who is present in Court, accepts notice on behalf of the respondent/wife and could not dispute the factual position.

On a Court query, learned counsel for the respondent/wife submits that the order dated 02.05.2022 has not been challenged before Hon'ble Supreme Court and the respondent/wife is attending the proceedings at Rohtak.

After hearing learned counsel for the parties and considering the fact that both the petitions, i.e. the petition filed under Section 9 HMA and the petition filed under Section 12(i)(C) HMA, are to be decided together, the present petition is allowed with the following directions:-

- (i) *The petition filed under Section 12(i)(C) HMA, pending before the Family Court, Fatehabad will*

be transferred to the competent Court of jurisdiction at Rohtak.

- (ii) The District Judge, Rohtak will assign the said petition to the same Court, which is ceased with Section 9 HMA petition, so that both the petitions may be decided together.*
- (iii) The Family Court at Fatehabad is directed to transfer all the record pertaining to the aforesaid case to District Judge, Rohtak.*
- (iv) The parties are directed to appear before the Court at Rohtak on 12.09.2023.*

29.08.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No