



TA-1061-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.103

TA-1061-2023
Date of Decision: 09.09.2024

NEERAJ YADAV

....Applicant

Versus

KRISHAN PAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Brijender Kaushik, Advocate
for the applicant.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the divorce petition titled '*Krishan Pal v/s Neeraj Yadav*', filed at the instance of respondent-husband, from Family Court, Rewari, to the court of competent jurisdiction at Narnaul, District Mohindergarh.

Mr. Sudhir Rana, Advocate, has made appearance on behalf of respondent and filed Power of Attorney, which is taken on record.

Learned counsel for the respondent submits that he does not want to file reply to the present application, though he shall make submissions, to contest the same.

Learned counsel for the parties heard.

It is submitted by learned counsel for the applicant that one son born from the wedlock of the parties, aged about 2 years, is in the care and custody of the applicant. The applicant is stated to be working as Assistant Professor in a



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government college at Chhilro, District Mohindergarh. While she was living with the respondent at Rewari, she had to travel about 75 kms to reach her work place and thereafter, cover another 75 kms to return back to her matrimonial house. At present, the applicant is residing at her parental place in Village Ghataser, District Mohindergarh. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition, from her parental place, more particularly, while she is taking care of the minor child.

On the other hand, learned counsel for the respondent has assiduously submitted that the applicant is a working lady and being Professor, she has to commute to her work place and considering the same, she can also commute to Rewari, to defend the divorce petition.

May it be so, as submitted by learned counsel for the respondent, but however, it is settled position of law that the convenience of wife ought to be taken into consideration, in the transfer proceedings, relating to the matrimonial dispute. No doubt, as stated in the application that the applicant is working as Assistant Professor in a government college at Chhilro, District Mohindergarh, which is stated to be at a distance of about 5 kms from her parental place, where she is presently residing.

May it be so, the applicant was earlier travelling about 75 kms from the matrimonial home to reach her work place, but however, at present she is residing at her parental place, having custody of the minor child, who is about 2 years old. Considering the same, it is difficult for her to travel to Rewari, to defend the divorce petition, filed at the instance of respondent/husband.

Considering the submissions made by learned counsel for the parties



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into consideration, as per the settled law, without prejudice to the rights of the parties to be adjudicated on merits, the present transfer application, as such, is hereby accepted and the divorce petition titled '*Krishan Pal v/s Neeraj Yadav*', filed at the instance of respondent-husband, stands transferred from the Family Court, Rewari to the Court of competent jurisdiction at Narnaul, District Mohindergarh. The requisite record of the aforesaid divorce petition shall be transferred by the Family Court, Rewari to District and Sessions Judge, Narnaul, District Mohindergarh.

Learned District and Sessions Judge, Narnaul, shall assign the said petition to the Family Court, Narnaul. Even, the parties are directed to appear before the Family Court, Narnaul, within a period of one month from today onwards.

09.09.2024
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(ARCHANA PURI)
JUDGE

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