

2025.PHHC.005867



TA-47-2025 (O&M)

DATE OF DECISION : 16.01.2025

SHIKHA

... APPLICANT

V/S

JOGINDER SHARMA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vikas Bishnoi, Advocate for the applicant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Petition under Section 24 of the Code of Civil Procedure has been filed by the applicant with a prayer to transfer the petition bearing Case No.DMC/589/2024 pending in the Court of learned Principal Judge, Family Court, Bhiwani under Section 13 (I)(ia)(ib) of the Hindu Marriage Act (for short 'the Act of 1955') to the competent Court having jurisdiction at District Hisar.

2. Learned counsel for the applicant contends that applicant-wife is residing along with her two minor daughters at Hisar. The petition filed by the respondent-husband seeking divorce under Section 13 of the Act of 1955 is pending before the Principal Judge, District Bhiwani and the distance between Bhiwani and Hisar is approximately 70 kms. It is very inconvenient for the applicant to attend Court proceedings at Bhiwani on each and every date of hearing. She has to take care of her two minor daughters as well.

3. It is further contended that other litigations filed by the applicant are also pending at Hisar. Reference has been made to Annexure P-2, a petition filed by the applicant and minor children under Section 146 of the

the judgment dated 22.07.2021, which are pending before the learned Addl. Principal Judge, Family Court, Hisar, Annexure P-3.

4. In view of the facts of the present case, this Court feels that issuance of notice to the respondent would delay the proceedings. Therefore, the service upon the respondent is dispensed with.

5. Keeping in view the difficulty faced by the applicant and in view of the law laid down by Hon'ble the Supreme Court in Sumita Singh Vs. Kumar Sanjay and another AIR 2002 SC 396, Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (2005) 12 SCC 237 and N.C.V. Aishwarya Vs. A.S.Saravana Karthik Sha 2022 SCC OnLine SC 1199, the present petition is allowed and petition under Section 13 (I)(ia)(ib) of the Hindu Marriage Act filed by the respondent-husband bearing Case No. DMC/589/2024 pending in the Court of learned Principal District Judge, Family Court, Bhiwani is ordered to be withdrawn from Principal Judge, Family Court, Bhiwani and transferred to the Principal Judge, Family Court, Hisar. However, the respondent may approach this Court within a period of three months from today for revival of the petition, if any facts have been mislead or concealed by the petitioner, subject to the following terms:-

- (a) Clearance of all arrears of maintenance, if any due.
- (b) Payment of Rs.20,000/- towards litigation expenses by way of demand draft in favour of the applicant to be submitted along with the application for revival of this application.

16.01.2025

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No