

(2013) 11 P&H CK 0093

High Court Of Punjab And Haryana At Chandigarh

Case No: TA No. 54 of 2013 (O and M)

Renu Sharma

APPELLANT

Vs

Manoj Kumar

RESPONDENT

Date of Decision: Nov. 20, 2013**Hon'ble Judges:** Jaswant Singh, J**Bench:** Single Bench**Advocate:** Parminder Singh, for the Appellant;**Final Decision:** Allowed

Judgement

Jaswant Singh, J.

Petitioner-mother is seeking transfer of divorce proceedings u/s 13 of the Hindu Marriage Act, 1955 initiated by the respondent-husband titled as "Manoj Kumar Vs. Renu Sharma" from the court at Ludhiana to a court of competent jurisdiction at Hoshiarpur. It is averred that marriage between the parties was solemnized on 15.10.1997 at Hoshiarpur. After the marriage both the parties started residing at their matrimonial home at Ludhiana and cohabited as husband and wife. Out of this wedlock one male child was born on 26.08.2005. Due to matrimonial dispute, the petitioner-wife is stated to be residing separately at her parental home at Hoshiarpur. It is further averred that the minor son is residing with respondent-husband.

2. It is further submitted that the petitioner-wife in order to seek custody of the minor son has filed petition u/s 25 of the Guardian & Wards Act before the court at Hoshiarpur. It is further submitted that in order to harass the petitioner-wife, respondent-husband has filed divorce petition u/s 13 of the Hindu Marriage Act, 1955 at Ludhiana. It is further submitted that it is extremely inconvenient and difficult for the petitioner-wife to travel a distance of 100 Kms to pursue the proceedings in the divorce petition filed by the respondent-husband at Ludhiana as there is no male member in her family to accompany her to that place.

3. Upon notice, none has caused appearance on behalf of the respondent-husband, however, I find that the grounds set out in the petition are sufficient to allow the petition as it is well settled that in matrimonial proceedings initiated by the husband against wife, convenience of wife must be looked at. Reliance in this regard can be placed upon [Sumita Singh Vs. Kumar Sanjay and Another](#), . In view of the above, the present petition is allowed, the petition u/s 13 of the Hindu Marriage Act, 1955 titled as "Manoj Kumar Vs. Renu Sharma" pending in the Court at Ludhiana is ordered to be withdrawn and transferred to courts of competent jurisdiction at Hoshiarpur for disposal in accordance with law from the stage of withdrawal.