

(2013) 09 P&H CK 0313

High Court Of Punjab And Haryana At Chandigarh

Case No: TA No. 303 of 2013 (O and M)

Meena Kumari

APPELLANT

Vs

Harpreet Singh

RESPONDENT

Date of Decision: Sept. 13, 2013

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 125
- Hindu Marriage Act, 1955 - Section 13
- Penal Code, 1860 (IPC) - Section 406, 498A

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Advocate: Kartik Gupta, for the Appellant;

Final Decision: Allowed

Judgement

Jaswant Singh, J.

Petitioner wife is seeking the transfer of petition filed by the respondent-husband u/s 13 of the Hindu Marriage Act, 1955 for divorce titled as "Harpreet Singh Vs. Meena Kumari" from the court of learned Additional District Judge, Patiala to a court of competent jurisdiction at Hoshiarpur. It is averred that marriage between the parties was solemnized on 29.01.2011 at Hoshiarpur and the parties cohabited as husband and wife at the matrimonial home in Patiala and out of this wedlock one male child namely Unhad was born on 10.02.2013. Due to matrimonial dispute, the petitioner-wife was turned out of her matrimonial home on 21.07.2012 and since then she is residing at her parental home at Hoshiarpur.

2. It is stated that the petitioner-wife has initiated proceedings u/s 498-A, 406 IPC by filing an FIR and also filed petition u/s 125 Cr. P.C. for grant of maintenance at Hoshiarpur. It is further stated that in order to harass the petitioner-wife respondent-husband has filed petition u/s 13 of the Hindu Marriage Act, 1955 for divorce at Patiala. It is further stated that it is extremely difficult for the

petitioner-wife to pursue her case at Patiala along with his minor son by travelling a distance of 220 Kms as except her old aged parents there is no male member to accompany her to Patiala.

3. Upon notice none has caused appearance on behalf of the respondent-husband to contest the petition, 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 "Harpreet Singh Vs. Meena Kumari" pending in the Court at Patiala is ordered to be withdrawn and transferred to courts of competent jurisdiction at Hoshiarpur for disposal in accordance with law from the stage of withdrawal.