

Rekha Vs. Paras

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Court : Punjab and Haryana

Decided On : Sep-10-2013

Appellant : Rekha

Respondent : Paras

Judgement :

TA No.242 of 2013(O&M) #1# IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

TA No.242 of 2013(O&M) Date of Decision:-10.09.2013 RekhaPetitioner.

Versus ParasRespondent.

CORAM:- HON'BLE Mr.JUSTICE JASWANT SINGH Present:- Mr.Saurabh Garg, Advocate for Petitioner-wife.

Mr.Rajinder Goyal, Advocate for respondent-husband.

*** JASWANT SINGH, J.(ORAL) Petitioner-wife is seeking the transfer of divorce proceedings filed by the respondent-husband titled as Paras versus Rekha.

under Section 13-B of the Hindu Marriage Act, 1955 from the court of learned District & Sessions Judge, Kaithal to a court of competent jurisdiction at Panipat.

It is submitted that the marriage between the parties was solemnized on 20.01.2005 at village Aleva, Tehsil and District Jind.

They cohabited as husband and wife in the matrimonial home at village Sivan, District Kaithal and a minor son was born out of the wedlock on 4.8.2008.

Due to matrimonial dispute the wife is stated to be residing separately at her parental home since 27.04.2011 whereas the custody of Mahajan Vinay 2013.09.10 16:45 I attest to the accuracy and integrity of this document at Chandigarh TA No.242 of 2013(O&M) #2# the minor child is with the respondent-husband.

The petitioner-wife is alleged to have filed three cases as Panipat namely (i) Petition under Section 12 of Domestic Violence Act; (ii) petition under Section 125 Cr.PC for grant of maintenance & (iii) Complaint under Section 498-A IPC.

She is further stated to have filed a custody petition at Kaithal seeking the custody of the minor son.

The respondent-husband has filed his reply and stated that the divorce proceedings were initiated on 12.5.2011 and the petitioner- wife put in appearance through her counsel and filed written statement.

After the framing of the issues the evidence of the husband was completed on 16.02.2013.

After taking five opportunities for leading her evidence, the present transfer application was filed on 28.04.2013 without disclosing the stage of proceedings before the learned trial Court.

After hearing learned Counsel for the parties, in view of the advanced stage of proceedings before the learned trial Court, I find no ground to entertain the present transfer application and the same is hereby dismissed.

(JASWANT SINGH) JUDGE September 10, 2013 Vinay Mahajan Vinay 2013.09.10 16:45 I attest to the accuracy and integrity of this document at Chandigarh