

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

T.A. No. 185 of 2018 (O&M)

DATE OF DECISION :- December 17, 2018

Madhu Tuli

...Applicant

Versus

Vikas Suri

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Puneet Sharma, Advocate for the applicant.

Mr. Ranjit Saini, Advocate for the respondent.

By way of filing the present application, applicant Madhu Tuli seeks transfer of divorce petition filed by her husband Vikas Suri against her having title 'Vikas Suri Vs. Madhu Tuli' pending in the Court of Additional District Judge, Yamuna Nagar to the Court of competent jurisdiction at Gurdaspur.

Inter alia in the application it is contended that she has been residing with her parents at Gurdaspur. After differences arose between her and her husband Vikas Suri she had to leave the matrimonial home. Her husband Vikas Suri filed a divorce petition against her in a Court at Yamuna Nagar. Being a young woman of 32 years, taking care of minor son of the parties, it is difficult for her to go from Gurdaspur to Yamuna Nagar covering a distance of 300 kms on one side, as such the application be

accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel.

It is contended by learned counsel for the respondent that family of the applicant has lot of influence at Gurdaspur and there is apprehension of physical harm to the respondent. It is further submitted that on an earlier occasion when respondent went to Gurdaspur in connection with attending dates of hearing in another case, he and his family members were assaulted and on an application having been filed, learned Magistrate had issued directions to the police to provide security to the respondent.

After hearing learned counsel for the parties and besides going through the record, I find that since applicant is a young woman and is taking care of minor son of the parties and considering the distance between Gurdaspur and Yamuna Nagar to be 300 kms on one side, it would definitely be difficult for her to go from Gurdaspur to Yamuna Nagar to attend the dates of hearing. The ends of justice demands that application should be accepted. The apprehension expressed by the respondent can be adequately redressed by giving necessary directions to Senior Superintendent of Police, Gurdaspur.

Therefore, the application is allowed. The petition in question is ordered to be withdrawn from the Court of Additional District Judge, Yamuna Nagar and transferred to the Court of District Judge, Gurdaspur for disposal in accordance with law. Learned District Judge, Gurdaspur may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The Senior Superintendent of police, Gurdaspur is directed to ensure that no physical harm is caused to the respondent and his family members accompanying him when he/they go to Gurdaspur in connection with attending the dates of hearing in the Court there.

The parties through their counsel are directed to appear in the transferee Court on 22.1.2019. Copies of orders be sent to the Court of Additional District Judge, Yamuna Nagar as well as to the Court of District Judge, Gurdaspur and to Senior Superintendent of Police, Gurdaspur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 17, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No