

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

T.A. No. 581 of 2018 (O&M)

Date of decision : 5.12.2018

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Dr. Prachi Gupta

.....Petitioner

vs.

Dr. Manu Gupta

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Gurcharan Dass, Advocate
for the respondent.

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H. S. Madaan, J. (Oral)

By way of moving the present petition, petitioner Dr. Prachi Gupta, seeks transfer of divorce petition filed by her husband Dr. Manu Gupta, against her, pending in the Court of Additional District and Sessions Judge, SAS Nagar, Mohali to District Courts at Fatehabad, Haryana, for the reason that there is a distance of 150-160 kms between the two places and it is difficult for her to travel at such a distance to attend the dates of hearing at SAS Nagar Mohali, being a woman and for the reason that she is to look after minor daughter of the parties aged about 3 years, residing with her.

The petition is being opposed by the respondent stating that he has to attend to his father who is a heart patient and in case of emergency, may have to be rushed to the hospital. Furthermore due to the influence of the petitioner at Tohana and Fatehabad, the respondent apprehends physical harm to him, if he has to go to Fatehabad, to attend the dates of hearing in the court at that place. Mother of respondent has already expired and there is no other family member to look after father of the respondent. The last contention put forward by learned counsel for the respondent is that if the case is to be transferred, it may be transferred to the Court of competent jurisdiction at Patiala.

After hearing the submissions made by learned counsel for the parties and going through the record, I am of the view that since the applicant is a woman, who is taking care of minor daughter of the parties, it would indeed be difficult for her to go to Mohali, from Tohana to attend the hearing in the Court at Mohali. The comparative inconvenience to the applicant shall be much more than the respondent, if the application is not accepted. It would be proper and appropriate, if the petition in question is transferred to the Court of competent jurisdiction at Fatehabad. As regards the apprehension expressed by the respondent with regard to the likelihood of physical harm being caused to him, if he goes to Fatehabad, in connection with attending dates of hearing, that can be addressed by issuing appropriate direction to the police authorities.

Under the circumstances, the application is accepted. The petition in question is withdrawn from the Court of Additional

District and Sessions Judge, SAS Nagar, Mohali and transferred to the Court of District and Sessions Judge, Fatehabad, Haryana. Parties through counsel are directed to appear there on 11.1.2019. Learned District and Sessions Judge, Fatehabad, may retain the case himself or assign it to any other Court of competent jurisdiction at that place. Furthermore, SP, Fatehabad, is directed to ensure that no physical harm is caused to the respondent when he goes to Fatehabad, in connection with attending dates of hearing.

A copy of the order be sent to District and Sessions Judge, SAS Nagar, Mohali, District and Sessions Judge, Fatehabad and SP Fatehabad, for necessary compliance.

5.12.2018
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(**H.S. Madaan**)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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