IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. 675 of 2018
DATE OF DECISION :- December 14, 2018

Smt. Pooja **...Applicant**

Versus

Sharvan **...Respondent**

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

Present:- Mr. Rakesh Lathwal, Advocate for the applicant.

Mr. Gautam Diwan, Advocate for the respondent.

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By way of filing the present application under Section 24 CPC, applicant Pooja, presently residing with her parents at Sonepat, seeks transfer of divorce petition filed by her husband Sharvan, who is respondent in the present application having title 'Sharvan Kumar versus Pooja' pending in the Court of District Judge, Kurukshetra to the Court of competent jurisdiction at Sonepat. Interalia in the application it is submitted that after marriage between the parties on 18.11.2013, the spouses started residing together. The applicant gave birth to a male child from loins of respondent, who is aged about four years. On account of dispute between the spouses, the applicant had to leave the matrimonial home along with the minor son of the parties. She along with said minor son are residing with parents of the applicant at Sonepat. The respondent has filed a divorce petition against her

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which is pending in the Court of District Judge, Kurukshetra. Being a young woman, taking care of minor son of the parties, it is difficult for her to go to Kurukshetra from Sonepat covering a distance of about 120 kms on one side to attend the date of hearing in the Court at Kurukshetra, therefore, the instant application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel and the application is being opposed vehemently.

Written reply has also been filed in that regard taking various objections.

I have learned counsel for the parties besides going through the record.

Learned counsel for the applicant has reiterated the contentions in the application, whereas learned counsel for the respondent has referred to judgment by the Apex Court 'Krishna Veni Nagam versus Harish Nagam passed in Transfer Petition (Civil) No. 1912 of 2014', wherein it was observed that in matrimonial or custody matters or in proceedings between parties to a marriage, wherever the defendants/respondents are located outside the jurisdiction of the Court, the Court where proceedings are instituted, may examine whether it is in the interest of justice to incorporate any safeguards for ensuring that summoning of defendant/respondent does not result in denial of justice. Order incorporating such safeguards may be sent along with summons. The safeguards should have been listed including availability of video conferencing facility, availability of legal aid service, deposit of cost for travel, lodging and boarding in terms of Order XXV CPC and E-mail address/phone number, if any, at which litigant from out station

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may communicate.

Though learned counsel for the respondent contends that such safeguards are mentioned in the summons but copy of that summons is not available on the record to substantiate the contentions.

I find that keeping in view the facts and circumstances of the case, ends of justice demand that application should be accepted, the same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of District Judge, Kurukshetra and transferred to the Court of District Judge, Sonepat for disposal in accordance with law. Learned District Judge, Sonepat may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 21.1.2019. Copies of orders be sent to the Court of District Judge, Kurukshetra as well as to the Court of District Judge, Sonepat for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 14, 2018
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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