

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

T.A. No. 851 of 2018

DATE OF DECISION :- December 21, 2018

Prabhdev Kaur

...Applicant

Versus

Prabhjot Singh

...Respondent

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

Present:- Mr. Kuldip Sanwal, Advocate for the applicant.

Mr. Sumeet Goel, Advocate for the respondent.

Applicant Prabhdev Kaur, aged about 25 years, wife of Prabhjot Singh-respondent, presently residing with her parents at Batala, District Gurdaspur, by way of filing the instant application under Section 24 CPC is seeking transfer of divorce petition filed by her husband Prabhjot Singh against her having title 'Prabhjot Singh Vs. Prabhdev Kaur' pending in the Court of Additional District Judge, Chandigarh to the Court of competent jurisdiction at Gurdaspur.

According to the applicant, she is a young woman of 25 years, having no source of income, her father is a aged person of more than 60 years, there is no other male member in the family to accompany her from Batala to Chandigarh to attend the dates of hearing in the Court there. Further more a petition under Section 125 Cr.P.C. filed by her against her husband is pending in the Court at Batala. She has submitted an application

for registration of F.I.R. against her husband and his family members, which is being examined by Women Cell, Batala. A petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights was filed by the applicant against her husband Prabhjot Singh in the Court at Batala which has been decided ex-parte, therefore, this application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel filing reply vehemently opposing the application. It is contended that the respondent is residing in Dubai and the divorce petition is being pursued by his old aged mother on his behalf. It would be difficult for her to go to Gurdaspur if divorce petition is transferred there, therefore, the application be dismissed.

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

I find that comparative inconvenience to the applicant shall be much more if the application is dismissed. Though it is stated that aged mother of respondent is pursuing the divorce petition on behalf of the respondent, who is putting up in Dubai but then some other person or the counsel engaged by respondent can take care of the same. During the course of proceedings possibility was explored as to whether respondent was ready to pay the travelling expenses to the applicant for appearing in the Court at Chandigarh. However, learned counsel for the respondent has stated that he has got instructions to make a statement that respondent is not willing to do so. There is nothing to show that any video conferencing facility is there between the Courts at Gurdaspur and Chandigarh.

Under the circumstances, 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 Additional District Judge, Chandigarh 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 parties through their counsel are directed to appear in the transferee Court on 28.1.2019. Copies of orders be sent to the Court of Additional District Judge, Chandigarh as well as to the Court of District Judge, Gurdaspur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 21, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No