

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

T.A. No. 894 of 2018

DATE OF DECISION :- December 05, 2018

Smt. Renu

...Applicant

Versus

J.P. Chaudhary alias Jimmy Parkash

...Respondent

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

Present:- Mr. P.S. Jangu, Advocate for the applicant.

Mr. Sandeep Kumar Yadav, Advocate for the respondent.

Applicant Renu is seeking transfer of divorce petition filed by her husband J.P. Chaudhary @ Jimmy Parkash pending in the Court of District Judge, Narnaul to the Court of competent jurisdiction at Rewari. The ground taken in the application for transfer is that there is distance of 60kms between the two places and it is difficult for her to travel to that distance to attend the dates of hearing. It is further contended that respondent and his father are practicing Advocates at District Narnaul and are influential persons and further three cases between the spouses are pending before SDJM, Bawal, District Rewari.

The application is being opposed on behalf of respondent contending that distance between the two places is not much and further respondent is having custody of the minor daughter of the parties aged about 7 years. It is stated that respondent and his father are practicing

Advocates at Mohindergarh which is Sub Division of Narnaul and not at District Courts, Narnaul and a petition under Section 25 of the Guardians and Wards Act filed by the present applicant against the respondent is pending in the Court of District Judge, Narnaul. Though the applicant had moved this Court for transfer of that application but that application was dismissed by this Court vide order dated 16.2.2018, as such application be dismissed.

After hearing the rival contentions and going through the record, I am of the view that no ground of transferring the application is made out. The distance between the two places is not very large. Further more, a petition between the parties with regard to custody of the minor child is already pending in the Court of District Judge, Narnaul. Further more merely because respondent and his father are practicing Advocates in a Sub Division of District Narnaul, it does not mean that they can possibly interfere in the judicial proceedings. One more factor to be taken into consideration is that respondent is having custody of the minor child of the parties and is taking care of that child.

Therefore, no ground to allow the application is made out. The Transfer Application is dismissed.

(H.S. MADAAN)
JUDGE

December 05, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No