

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

T.A. No. 959 of 2018 (O&M)

Date of decision : 13.12.2018

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Smt. Kimi

.....Applicant

vs.

Shubham Grover

.....Respondent

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

Present: Mr. Nipun Vashist, Advocate
for the applicant.

Mr. Naveen Sharma, Advocate
for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Kimi, by way of filing the present application is seeking transfer of divorce petition, filed by her husband Shubham Grover, who is respondent in the present application, against her, having title 'Shubham Grover vs. Smt. Kimi' pending in the Court of Principal Judge (Family Court), Gurugram, to a Court of competent jurisdiction at District Karnal. According to the applicant, who is aged about 29 years, she was married with respondent Shubham Grover on 14.10.2015; thereafter, the spouses started living together at Gurugram. However, differences arose between them and applicant was forced to leave the matrimonial home on 9.4.2016 and thereafter she is putting up with her parents at Nilokheri, District Karnal, since then. Her father is a pensioner. Her husband Shubham Grover has filed a divorce petition against her which is pending before Principal

Judge, Family Court Gurugram. Applicant being a woman, it is difficult for her to travel from Nilokheri to Gurugram, covering a distance of about 175 kms on one side, to attend the dates of hearing in the Court at Gurugram. Her father is an aged person and it is difficult for him to accompany the applicant for going to Gurugram, on each and every date of hearing. There is no other adult male member in the family to do so. As such the application be accepted.

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

The application is being opposed vehemently, contending that applicant is a Chartered Accountant and there is no difficulty for her to attend the dates of hearing in the Court at Gurugram, with fast mode of conveyance available these days and applicant being an educated person.

After hearing the rival contentions and going through the record, I find that convenience of the applicant, who is a young woman, residing with her parents at a far off place from Gurugram, is to be taken into consideration, as has been held by the Apex Court in various authorities.

Considering all the facts and circumstances of the case, I find that ends of justice would be adequately met if the application is accepted. The same is accordingly allowed. The petition in question pending in the court of Principal Judge, Family Court, Gurugram, is withdrawn from that Court and transferred to the Court of District Judge, Karnal, who may retain the case on his Board or assign it to any other Court of competent jurisdiction. Parties through counsel are

directed to appear there on 8.1.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

13.12.2018
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(H.S. Madaan)
Judge

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