

TA No.13 of 2019 (O&M)

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

Sr. No.245

**TA No.13 of 2019 (O&M)
DECIDED ON: October 30, 2019**

SONAM

...APPLICANT

VERSUS

PRASHANT KIRAR

...RESPONDENT

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

Present: Mr. Munish Mittal, Advocate, for the applicant.

Mr. Anshul Sharma, Advocate for the respondent.

H.S. MADAAN, J. (ORAL)

Applicant Sonam, aged about 25 years, estranged wife of Prashant Kirar-respondent, presently residing with her parents at Karnal, on account of matrimonial discord between the parties, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Prashant Kirar against her having title 'Prashant Kirar Vs. Sonam' pending in the Court of learned Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Karnal.

The applicant has contended that she being a young woman and having no source of income, it is difficult for her to travel from her parental place at Karnal to Rohtak covering a distance of 115 kms on one side so as to attend the dates of hearing in the Court there. Furthermore, she has filed a petition under the Protection of Woman from Domestic Violence Act, 2005, against the respondent, which is pending in the District Court Karnal. She has also filed a petition under Section 125 Cr.P.C. against the

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respondent, which is pending in the District Court, Karnal. Therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and is opposing the application vehemently, praying for its dismissal. Written reply in that regard has been filed. The plea taken by the respondent is that on account of having physical disability to the extent of 35% in the lower limb and stiffness in the knee etc., the respondent is not in a position to travel much and it would be very inconvenient from him to go from his Village Jassia, District Rohtak to Karnal to appear in the Court there.

My attention to the disability certificate issued in that regard by PGIMS Rohtak has been drawn. After hearing the counsel and going through the record, I find that it would not be proper and appropriate to ask the respondent who is physically disabled to go to Karnal to attend the dates of hearing in the Court there by way of the acceptance of the application.

Therefore, the application stands dismissed.

October 30, 2019

Ankur

**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No