

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

TA-64-2019

Date of decision:-19.3.2019

Kanchan

...Applicant

Versus

Raj Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**Present** : Mr.G.S. Guri, Advocate
for the applicant.Mr.C.S. Rana, Advocate
for the respondent.

H.S. MADAAN, J.

Applicant – Kanchan, aged about 26 years, estranged wife of respondent – Raj Kumar presently residing with her parents at Kot Isse Khan, Tehsil Dharamkot, District Moga on account of differences between the spouses, by way of filing the present application seeks transfer of divorce petition filed by her husband - the respondent against her having title “Raj Kumar Vs. Kanchan” pending in the Court of Additional District & Sessions Judge, Ludhiana to the Court of competent jurisdiction at Moga.

According to the applicant, marriage solemnized between the parties on 12.4.2008 at village Kot Isse Khan, Tehsil Dharamkot, District Moga ran into rough weather on account of demand of dowry made by respondent and his family members; that the couple was

blessed with two children i.e. son namely Rishab @ Risha born on 15.2.2009 and a daughter Renuka born on 9.9.2011; that the respondent had clicked nude photographs of the applicant and asked that if she did not fulfil the demands of the respondent, he would distribute her photographs in the society, ultimately the applicant was turned out of the matrimonial home after giving beatings in the month of April, 2017; that she had no other place to go except of her parents at village Kot Isse Khan, Tehsil Dharamkot, District Moga; that the applicant has filed a petition under Section 125 Cr.P.C. against her husband seeking monthly maintenance allowance, which is pending before District Judge, Family Court, Moga. According to the applicant as a pressure tactic, the respondent has filed a divorce petition; that the applicant being a young woman in financial constraints, it is difficult for her to travel from Moga to Ludhiana covering a distance of about 90 kms. on one side to attend the dates of hearing in the Court there. Therefore, the application be accepted.

Notice of the application was given to respondent, who has put in appearance through counsel and filed written reply contesting the application denying the allegations of demand of dowry etc. by respondent and his family members from the applicant or clicking nude photographs of the applicant and giving any threat to her. According to the respondent, the applicant is a woman of quarrelsome nature; that she is having illicit relations with various persons including Akash son of Sh.Dinesh, resident of Dr.Ambedkar Colony, Cheema Chowk, R.K. Road, near Power House, Ludhiana and she used to remain busy talking to him on mobile phone; that when the respondent confronted her, she

openly declare that she wanted to live with Akash but later on in order to save her skin, she herself implicated the said Akash in one FIR No.151 dated 5.10.2016, for the offences under Sections 366/417/120-B IPC to which offence under Section 376 IPC was added later on registered with Police Station Division No.6, Ludhiana, however, Akash had approached High Court for grant of anticipatory bail, where he had attached some documents, photographs and call recording to prove the love affair between him and the present applicant; that he was granted pre-arrest bail. According to the respondent, the applicant left the company of respondent by leaving behind her two children due to her relationship with Akash; that she was having illicit relations with another person namely Karma of Kot Isse Khan, District Moga; that whenever the respondent confronted the applicant, she threatened the respondent to implicate him in some false criminal cases. According to the respondent, no case for acceptance of the application is made out, as such it be dismissed.

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

In this case, the respondent has levelled serious and grave allegations against moral character of the applicant. He has attached supporting documents also in the form of photocopies of photographs showing applicant in the company of Akash and other documents in that respect. The allegations cannot be discarded lightly and need to be considered seriously. It is the respondent, who is having custody of two minor children of the parties and bringing them up. Keeping in view of the facts and circumstances of the case, it shall be unreasonable to ask

the respondent to go to Moga to attend the dates of hearing in the Court there by way of acceptance of the present application.

The application is found to be without merit and is dismissed accordingly.

(H.S.MADAAN)
JUDGE

19.3.2019
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No