

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

TA-160-2019 (O&M)

Date of decision: 12.07.2019

Manjit Kaur

...Applicant

Versus

Vijay Singh

...Respondent

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

Present: Mr. Varinder Singh, Advocate for the applicant.

Mr. Akshay Jindal, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Manjit Kaur, wife of respondent Vijay Singh, presently residing with her parents at Fatehgarh Sahib, on account of differences between the spouses, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Vijay Singh Vs. Manjit Kaur' pending in the Court of Principal Judge, Family Court, Panchkula to the Court of competent jurisdiction at Fatehgarh Sahib.

According to the applicant, the marriage solemnized between the spouses on 10.10.2010 at Sirhind did not work, though, the couple was blessed with a daughter born on 18.07.2011 and a son born on 18.12.2012. Both of them are in the custody of the respondent.

The respondent and his family members created such an atmosphere in

the matrimonial home that the applicant had to walk out of it and go to her parental place at Fatehgarh Sahib. She does not have any source of income and is dependent upon her parents for meeting her financial requirements. She has filed a petition under Section 125 Cr.P.C., against the respondent in Court at Fatehgarh Sahib, besides lodging an FIR for offences under Sections 406 and 498-A of IPC against the respondent. It is difficult for the applicant to travel from Fatehgarh Sahib to Panchkula to attend the dates of hearing in the Court there, covering a distance of about 65 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel and is vehemently opposing the application.

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

Admittedly, the minor children of the parties are in the custody of the respondent, who is looking after and taking care of them. In the divorce petition (Annexure P-1), there are specific allegations against the applicant giving beatings to the children of the parties and treating them with cruelty. The applicant is not shown to have filed any petition to get custody of the minor children of the parties, who are stated to be school going. Under the circumstances, it would not be proper and appropriate to require the respondent, who is

taking care of minor children of the parties to go from Panchkula to Fatehgarh Sahib in connection with attending dates of hearing, in the process neglecting the children. Therefore, no ground is made out to allow the application. The same stands dismissed.

12.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No