

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

TA-1002-2018 (O&M)

Date of decision: 01.02.2019

Priya Sharma

...Applicant

Versus

Deepak Sharma

...Respondent

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

Present: Mr. Umesh K. Kanwar, Advocate for
Mr. T.K. Joshi, Advocate
for the applicant.

Ms. Richa, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Priya Sharma, aged about 23 years, estranged wife of respondent Deepak Sharma, presently residing with her parents at Fazilka on account of matrimonial discord with her husband by way of moving the present application is seeking transfer of divorce petition filed by her husband, the respondent against her having title 'Deepak Sharma Vs. Priya Sharma' pending in the Court of Addl. District Judge, Jalandhar to the Court of competent jurisdiction at Fazilka.

According to the applicant, the spouses got married on 03.06.2015 at Fazilka. Thereafter, they started residing together. The marriage was consummated and the applicant gave birth to a daughter named Baby Ananya from the loins of the respondent who is aged about 02 years and 06 months at the time of filing of the application. The

applicant has alleged that on account of cruel behaviour of respondent and his family members towards the applicant, the applicant had to leave the matrimonial home along with minor daughter and to fall back upon her parents residing at Fazilka. Her husband has filed a divorce petition against her in Court at Jalandhar. Being a young woman taking care of minor daughter of the parties, without having any source of income, it is difficult for her to go from her parental place at Fazilka to Jalandhar covering a distance of about 200 kms on one side to attend the dates of hearing in Court at Jalandhar. Therefore, the present application be accepted.

The application is being resisted by the respondent-husband. It is contended that the allegations of cruelty levelled by the applicant against the respondent and his family members are wrong, rather, she is one who behaved in a cruel manner with the respondent and his family members and then left the matrimonial home of her own. She had given beatings to mother of the respondent who was got medico-legally examined from Civil Hospital, Jalandhar and DDR was got recorded in that regard. It is further contended that the respondent is ready to pay the travelling expenses to the applicant, if she come to attend the dates of hearing in Court at Jalandhar. Learned counsel has further contended that it would be difficult for the respondent to travel to Fazilka in connection with dates of hearing there. Therefore, the application be dismissed.

After hearing the counsel and going through the record, I find that the scope of the present application is quite limited and the

factum whether it was applicant who was treated with cruelty by the respondent and his family members or vice-versa etc. are not to be considered. As the thing stand, the applicant is a young woman taking care of minor daughter of the parties and statedly without having any source of income. It would indeed difficult for her to go from Fazilka to Jalandhar covering a distance of 200 kms on one side for the purpose of putting appearance in Court in the divorce proceedings. The inconvenience will not be nullified by payment of travelling expenses by the respondent, therefore, ends of justice demands that the application should be accepted. Accordingly, the same is allowed. The petition in question is ordered to be withdrawn from the Court of Addl. District Judge, Jalandhar and transferred to the Court of learned District Judge, Fazilka for disposal in accordance with law. Learned District Judge, Fazilka may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 05.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

01.02.2019

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

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