

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

TA-1016-2018

Date of decision:-3.7.2019

Shilpi Jain

...Applicant

Versus

Sourabh Jain

...Respondent

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

Present : Mr.Arav Gupta, Advocate
for the applicant.

Mr.Munish Mittal, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Smt.Shilpi Jain, aged about 33 years estranged wife of respondent – Sourabh Jain presently residing with her parents at Ladwa, District Kurukshetra on account of matrimonial discord between the spouses, seeks transfer of divorce petition filed by her husband the respondent against her having title 'Sourabh Jain Versus Shilpi Jain' pending before District Judge, Family Court, Gurugram to any other Court of competent jurisdiction at Kurukshetra.

According to the applicant, the marriage solemnized between the parties on 11.12.2007 ran into rough weather; that the

couple was blessed with two children i.e. a daughter and a son presently aged about 12 and 10 years, respectively residing with the respondent; that on account of cruelty and harassment meted out to the applicant at hands of respondent, she had to leave the matrimonial home and start residing with her parents; that the respondent has filed a divorce petition against her just to cause harassment to her and to pressurize her; that she has filed two cases against the respondent in the Court at Kurukshetra, where respondent is putting in appearance; that it is difficult for her to travel from her parental place at Ladwa, District Kurukshetra to Gurugram to attend the dates of hearing in the Court there. Therefore, the application be accepted.

Notice of the application was given to respondent, who put in appearance, filed written reply and vehemently opposed the request for transfer of the petition praying for dismissal of the application.

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

In the written reply filed by respondent, it is contended that the applicant is residing with respondent at Flat No.37, First Floor, White House, Sector 57, Gurugram and this fact was admitted by the applicant in proceedings under Section 125 Cr.P.C. pending before the trial Court; that the applicant had left the matrimonial home of her own and on 15.7.2018, she was with respondent when a quarrel had taken place between them and security proceedings under Section 107/151 were initiated; that the applicant is not residing at Ladwa as alleged by her; that since the respondent is taking care of two minor children of the parties, it would be difficult for him to leave them unattended at

Gurugram and to come at Kurukshetra to attend the dates of hearing in the Court there.

After hearing learned counsel for the parties, I find that considering the type of allegations levelled against the applicant in the divorce petition and in the written reply and the fact that respondent is taking care of two minor children of the parties and if the respondent is asked to go to Kurukshetra to attend the dates of hearing in the Court there by accepting the present transfer application, then the upbringing and rearing up of the children is likely to be affected, which is uncalled for. Therefore, in my considered view no case for transfer of the divorce petition is made out.

Thus, the application stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

3.7.2019
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No