

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1050 of 2018 (O&M)

Date of decision : 2.5.2019

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Rekha Devi

.....Applicant

vs.

Anand Verma

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Chirag Wadhwa, Advocate for
Mr. Parminder Singh, Advocate for the applicant.

Ms. Ekta Arora, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant Rekha Devi, aged about 32 years, estranged wife of Anand Verma, presently residing with her parents at Neelokheri, District Karnal, on account of differences between the spouses, by way of filing the present application seeks transfer of divorce petition filed by her husband, who is respondent in the present application, against her, having title 'Anand Verma vs. Smt. Rekha', pending in the Court of District and Sessions Judge, Chandigarh, to a Court of competent jurisdiction at Karnal.

According to the applicant, the marriage solemnized between the parties on 21.11.2008, ran into rough weather and she

had to leave the matrimonial home and start living with her parents at Karnal, due to harassment and humiliation meted out to her by the respondent. She has filed a petition under Section 125 Cr.P.C. against the respondent which is pending in District Court Karnal. She has also lodged a complaint in the Women Cell at Karnal. According to the applicant, it is difficult for her to travel from Karnal to Chandigarh, to attend the dates of hearing in Court there, as such, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and filed written reply, vehemently contesting the application contending that the respondent is a handicapped person to the extent of 50% in the whole body, as such it is difficult for him to move about and in case the petition is transferred from Chandigarh to the Court at Karnal, it would be very difficult for him to go there, since he had suffered head injury as well as blunt trauma on chest with fracture clavicle, resulting in his disablement. Supporting medical evidence in that regard have been attached.

Keeping in view the fact that the respondent is suffering from 50% impairment in his whole body, due to injuries suffered by him, the ends of justice demand that he should not be made to travel from Chandigarh to Karnal, for the purpose of attending the dates of hearing in the divorce petition filed by him. The balance of convenience is in favour of the respondent, rather than the applicant. He would be put to much more inconvenience in case the application is accepted, than the inconvenience caused to the applicant.

Therefore, ends of justice demand that the application be declined. It is dismissed accordingly.

2.5.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes/ No
Whether reportable	Yes/ No