

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

TA-317-2018

Date of decision:-10.1.2019

Sonia Rani

...Applicant

Versus

Balwinder Singh

...Respondent

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

Present : Mr.R.K. Saini, Advocate
for the applicant.

Mr.Amandeep Vashisth, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Sonia Rani, aged about 30 years, who is respondent in the divorce petition titled 'Balwinder Singh Versus Sonia Rani' filed by her husband pending in the Court of Additional District & Sessions Judge, Patiala seeks transfer of that petition to any other Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

According to the applicant, the marriage solemnized between the parties on 21.6.2010 did not work; that on account of the matrimonial discord, the applicant had to leave the matrimonial home and started residing with her parents; that the applicant had filed three cases against the respondent, first under Section 125 Cr.P.C., second

under Protection of Women from Domestic Violence Act and third a criminal complaint under Sections 498-A IPC in the Court at Yamuna Nagar at Jagadhari; that the respondent had earlier filed a divorce petition against her in a Court at Patiala. However, the applicant approached this Court for transfer of that divorce petition to the Court of competent jurisdiction at Yamuna Nagar, which was allowed but then the respondent had withdrawn that petition and has thereafter again filed divorce petition in the Court at Patiala. According to the applicant, it is difficult for her to go from Yamuna Nagar to Patiala covering a distance of 100 kms. on one side. Furthermore, she does not have any source of income to bear the travelling expenses, therefore, the application be accepted.

Notice of the application was given to respondent, who has put in appearance through counsel and the application is being vehemently opposed.

It is contended on behalf of the respondent that all the three cases filed by the applicant against the respondent in Courts at Yamuna Nagar at Jagadhri have been decided in favour of the respondent and further no justifiable reason is there to transfer the divorce petition from Patiala to Yamuna Nagar at Jagadhri.

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

The decision of the cases on merits is not a relevant consideration while deciding the transfer application. It is to be kept in mind that earlier divorce petition was transferred from Patiala to Yamuna Nagar at Jagadhri by this Court on an application having been

filed by the present applicant, though the said petition was statedly withdrawn by the respondent.

The applicant being a young woman residing with her parents having financial constraints, it would be difficult for her to travel from Yamuna Nagar to Patiala covering a distance of 100 kms. on one side. The disposal of the petition may take some time, which may require several hearings.

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant in which I find merit in absence of any strong circumstance to the contrary, it would be proper and appropriate if the application is accepted.

Therefore, the application stands allowed and the divorce petition pending in the Court of Additional District Judge, Patiala is ordered to be transferred to the District Judge, Family Court, Yamuna Nagar at Jagadhri. The parties are directed to appear before District Judge, Family Court, Yamuna Nagar at Jagadhri on 7.2.2019.

Copy of this order be sent to District & Sessions Judge, Patiala as well as District Judge, Family Court, Yamuna Nagar at Jagadhri for information and necessary compliance.

10.1.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No