

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

TA-558-2018 (O&M)
Date of decision: 30.05.2019

Priya

...Applicant

Versus

Navdeep Singh

...Respondent

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

Present: Ms. N.K. Chahal, Advocate for the applicant.

Mr. Ashish Gupta, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Priya, aged about 34 years, estranged wife of respondent Navdeep Singh, presently residing with her parents at Bathinda, on account of matrimonial discord between the spouses, by way of moving the present application, seeks transfer of divorce petition filed by her husband, the respondent against her having title 'Navdeep Singh Vs. Priya' pending in the Court of District Judge, Family Court, Faridkot to the Court of competent jurisdiction at Bathinda.

According to the applicant, the parties got married in the month of April, 2002 and thereafter, they started residing together as husband and wife. They were blessed with two children i.e. a daughter, namely Baby Palak and a son, namely Master Jashandeep. The marriage between the spouses did not work and the respondent turned her out of the matrimonial home. She had no other place to go except the house of her parents at Bathinda. The applicant does not have any source of income. She has filed a

petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 before the Court of JMIC, Bathinda. According to her, the respondent has filed the petition in question in Court at Faridkot just to trouble and harass her. It is difficult for her to travel from her parental place to Faridkot to attend the dates of hearing in the Court there, covering a distance of about 70 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, vehemently contesting the application, stating that the applicant has left the matrimonial home of her own, leaving behind two minor children of the parties with the respondent who is taking care of them and it would be difficult for him to go to Bathinda to attend the dates of hearing in the Court there, if the case is transferred.

After hearing learned counsel for the parties and going through the record, I find that keeping in view the facts and circumstances of the case, the balance of convenience is clearly titled in favour of the respondent, who is taking care of minor children of the parties and in case, respondent/husband is asked to go to Bathinda to attend the dates of hearing in the Court there, if the present application is accepted, then the minor children would be deprived of the proper care and they may be neglected in that process which is uncalled for. Therefore, finding no merits in the present application, the same stands dismissed.

30.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No