

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 610 of 2018 (O&M)

Date of decision : 26.8.2019

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Poonam

.....Applicant

vs.

Rakesh and another

.....Respondents

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

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

None for respondent No.1.

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H. S. Madaan, J. (Oral)

Applicant – Poonam, aged about 28 years, estranged wife of respondent No.1- Rakesh, presently residing with her parents at Karnal, on account of matrimonial discord between the spouses, by way of filing the instant application under Section 24 CPC, seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955, filed by her husband, against her, having title 'Rakesh vs. Poonam etc.' pending in the Court at Kaithal, to a Court of competent

jurisdiction at Karnal.

According to the applicant, on account of compelling circumstances she had to leave the matrimonial home and start residing with her parents at Karnal. She has got a minor daughter aged about 4 years, who is residing with her. She does not have any source of income and it is very difficult for her to attend the dates of hearing in the Court at Kaithal, covering a distance of about 70 kms on one side, from her parental place. Therefore the application be accepted.

Notice of the application was given to the respondents. Contesting respondent was served, but he did not appear.

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

A perusal of the divorce petition goes to show that there are serious allegations with regard to moral character of the present applicant, in as much as, inter alia in the divorce petition it is alleged that the present applicant – Poonam who is respondent No.1 in the divorce petition is having illicit relations with respondent No.2 Vikram and on 12.4.2018, her husband and mother-in-law Smt. Santro Devi observed both of them in a compromising position and several other persons namely, Karambir, Naresh, Jiro Devi, also observed so. The local police was informed. Family members of Poonam from her parents side were called, who tendered an apology. As such the matter was not pursued.

With such type of allegations being there, I find that the request of the applicant for transfer of divorce petition cannot be

accepted. The same is declined and in the process the application stands dismissed.

26.8.2019
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(H.S. Madaan)
Judge

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