

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

TA-878-2017 (O&M)

Date of decision: 15.02.2019

Ishu Wadhwa

...Applicant

Versus

Akash Wadhwa

...Respondent

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

Present: Mr. Aditya Pal Singla, Advocate for the applicant.

Mr. Vishal Sodhi, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Ishu Wadhwa, estranged wife of respondent Akash Wadhwa, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Akash Wadhwa Vs. Ishu Wadhwa' pending in the Court of District Judge, Fatehgarh Sahib to the Court of competent jurisdiction at Jalandhar.

According to the applicant, marriage between the parties which was solemnized on 18.11.2015 did not prove to be successful. The couple was not blessed with any child. The applicant had to leave the matrimonial home at Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib and to start residing with her parents at Jalandhar; that the applicant being a young woman, it is difficult for her to go from Jalandhar to Fatehgarh Sahib, to attend the dates of hearing in Court there, covering a distance of 143 kms on one side. Further. three more

cases filed by her against the respondent are pending in Courts at Jalandhar. The applicant is not having any source of income. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and filed written reply, contesting the application vehemently. It is contended that in the divorce petition, respondent/husband who is petitioner in the divorce petition has led evidence, though, the PWs are yet to be cross examined on behalf of wife and the trial is at the advanced stage, therefore, the petition be not transferred. Furthermore, the order granting maintenance and litigation expenses has been challenged by the present respondent. Therefore, the application be dismissed. .

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

Learned counsel for the respondent has referred to authority **Ramandeep Kaur Vs. Amardeep Singh and another**, 2017(2) Civil CC, 154 by a Co-ordinate Bench of this Court, wherein observing that when proceedings for divorce case are at fag end, it is not appropriate to transfer the divorce petition. I find that keeping in view the facts and circumstances of the case, more particularly that the applicant is a young woman statedly not having any source of income, it would definitely be difficult for her to travel from her parental place at Jalandhar to Fatehgarh Sahib, to attend the dates of hearing in Court there, covering a distance of 143 kms on one side. As regards, the authority referred to by learned

counsel for the respondent, that had different facts, where the husband had already concluded his evidence and evidence of wife was going on. Here, in the present case, the stage is for cross examination of the witnesses produced by the husband. Even otherwise, the facts and circumstances of the case demands that the application be accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of District Judge, Fatehgarh Sahib and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 15.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

15.02.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No