

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

TA-762-2018

Date of decision:-1.7.2019

Bhawana Rani

...Applicant

Versus

Gurdeep Singh

...Respondent

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

Present : Mr.Mayur Kanwar, Advocate
for the applicant.

Mr.Parminder Singh, Advocate
for the respondent.

H.S. MADAAN, J.

By way of filing the present application, applicant Smt.Bhawana Rani wife of Gurdeep Singh – respondent, aged about 31 years, presently residing with her parents at Bilaspur, District Yamuna Nagar on account of matrimonial discord between the spouses, seeks transfer of civil suit filed by her husband against her having title “Gurdeep Versus Bhawna” pending in the Court of Civil Judge (Jr.Divn.), Ambala to the Court of competent jurisdiction at Bilaspur.

According to the applicant, she is looking after minor

daughter of the parties aged about 4 ½ years; that she has lodged an FIR against the respondent and his family members at Bilaspur; that on an application having been filed by her, the divorce petition instituted by respondent against her has since been transferred to Yamuna Nagar; that she does not have any source of income; that she has filed a petition under Protection of Women from **Domestic Violence Act, 2005** and a petition for maintenance under Section 125 Cr.P.C. in the Court situated within Sessions Division, Yamuna Nagar at Jagadhri; that it is difficult for her to travel from Bilaspur to Ambala covering a distance of about 75-80 kms. on one side to attend the dates of hearing in the Court there. Therefore, the application be accepted.

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

I have heard learned counsel for the parties besides going through the record and I find that the application is doomed for failure for the reason that the nature of the case sought to be got transferred is a civil suit, where personal appearance of the parties is not required and they can appear through counsel or any other authorized agent. As such, no plausible or satisfactory reason is there to accept the application.

The application is, therefore, dismissed.

(H.S.MADAAN)
JUDGE

1.7.2019
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No