

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 786 of 2018 (O&M)

Date of decision : 19.7.2019

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Sushma Katyal

.....Applicant

vs.

Vijay Katyal

.....Respondent

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

Present: Mr. Hitesh Verma, Advocate for the applicant

Mr. M.S. Sidhu, Advocate for the respondent.

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H. S. Madaan, J.

Applicant Sushma Katyal, aged about 49 years, wife of Vijay Katyal – respondent, presently residing with her parents at Barnala, on account of matrimonial discord between the spouses, by way of moving the instant application, seeks transfer of divorce petition filed by her husband – respondent against her, having title 'Vijay Katyal vs. Sushma Katyal' pending in the Court of Additional District Judge, Ludhiana, to any other Court of competent jurisdiction at Barnala.

According to the applicant, she does not have any source of income and the respondent has filed the divorce petition just to harass the applicant and to avoid payment of maintenance to her.

According to the applicant she has filed a petition under Section 125

Cr.P.C. before Family Court at Barnala, which is pending. She is not keeping good health and it is difficult for her to travel from Barnala to Ludhiana, to attend the dates of hearing in Court there.

Notice of the application was given to the respondent, who has put in appearance through counsel and is vehemently contesting the application, praying for its dismissal.

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

On 18.7.2019, both the parties had appeared in the Court, pursuant to the direction so issued. Respondent had brought children of the parties. The applicant was given an opportunity to meet the children. However, children were reluctant to meet the applicant. They stated that behaviour of the applicant towards them was very bad and cruel and she used to give abuses to them and their father. The respondent has also stated so, though applicant has denied those allegations.

However, I find that it is the respondent who is taking care of two children of the parties and the children have specifically stated that the applicant has been quite abusive with them, as well as their father.

Under the circumstances, I do not find it a fit case to allow the application. Therefore, the same stands dismissed.

19.7.2019
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(H.S. Madaan)
Judge

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