IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA-801-2018
Date of decision:-10.1.2019

Smt.Neha Kathuria

...Applicant

Versus

Sh.Shivam Kalra

...Respondent

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

Present : Mr.Sandeep Kumar Rana, Advocate
for the applicant.

Mr.Baljeet Beniwal, Advocate
for the respondent.

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H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Neha Kathuria aged about 29 years, who is respondent in the divorce petition under Section 13(1)(ia)(IB) and (iii) of Hindu Marriage Act, 1955 titled 'Shivam Kalra Versus Smt.Neha Kathuria' filed by her husband pending in the Court of Additional District Judge, Palwal seeks transfer of that petition to any other Court of competent jurisdiction at Faridabad.

Inter alia, it is contended by the applicant that the marriage between the parties, which was performed on 14.5.2015 did not work on account of demand of dowry raised by the respondent and his family members; that the applicant had given birth to a male child, namely, Ayan at her parental place; ultimately the applicant had to leave the

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matrimonial home and started residing with her parents on account of cruel behaviour of respondent and his family members; that she had got an FIR registered against her husband, the respondent and his family members under Sections 498-A/406/34/377/354 IPC; that the respondent is facing trial in Court at Faridabad. According to the applicant as a pressure tactic, the respondent has filed a divorce petition; that the applicant being a young woman taking care of minor son of the parties aged in financial constraints, it is difficult for her to travel from Faridabad to Palwal covering a distance of about 50 kms. on one side to attend the dates of hearing. Therefore, the application be accepted.

Notice of the application was given to respondent, who has appeared through counsel. The application is opposed vehemently stating that the distance between Palwal to Faridabad is only of 30 kms. and the applicant can very well travel that distance. He further stated that the respondent is ready to pay the travelling expenses even.

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

After hearing the learned counsel for the parties and going through the record, I find that the fact that applicant is a young woman, who is required to take care of infant son of the parties is an important consideration for deciding the present application. The decision of the divorce petition may require several hearings. The applicant going from her parental place to Palwal along with infant son of the parties would indeed quite difficult and inconvenient for her. Merely because the respondent is made an offer of meeting, the necessary travelling expenses cannot nullify that inconvenience.

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Keeping in view the contentions in the application and submissions made by learned counsel for the applicant in which I find merit in absence of any strong circumstance to the contrary, it would be proper and appropriate if the application is accepted.

Therefore, the application stands allowed and the divorce petition pending in the Court of Additional District Judge, Palwal is ordered to be transferred to the District Judge, Family Court, Faridabad. The parties are directed to appear before District Judge, Family Court, Faridabad on 7.2.2019.

Copy of this order be sent to District & Sessions Judge, Palwal as well as District Judge, Family Court, Faridabad for information and necessary compliance.

(H.S.MADAAN)
JUDGE

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

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