

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

TA-871-2018 (O&M)
Date of decision: 09.04.2019

Sania Sehgal

...Applicant

Versus

Kapil Sehgal and another

...Respondents

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

Present: Mr. H.S. Sirohi, Advocate for the applicant.

Mr. B.D. Sharma, Advocate for respondent No.1.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Kapil Sehgal Vs. Sania Sehgal etc.' pending in the Court of Addl. District Judge, Jalandhar to the Court of competent jurisdiction at Kapurthala, has been filed by applicant Sania Sehgal, aged about 34 years, estranged wife of respondent No.1 Kapil Sehgal, presently residing with her widowed mother at Kapurthala.

According to the applicant, the marriage solemnized between her and respondent No.1 on 28.01.2007 ran into rough weather, though, the couple was blessed with two sons i.e. Master Manik, born on 03.11.2007 and Master Aarav born on 12.07.2010. According to the applicant, she was treated with cruelty by respondent No.1 and his family members. Circumstances were so created by them that the applicant had to leave the matrimonial home and start residing with her widowed

mother at Kapurthala. She has lodged an FIR No.192 dated 03.08.2018 for offences under Section 406 and 498-A of IPC at Police Station City Kapurthala. Respondent No.1 had filed an application for grant of pre-arrest bail in the said case which was dismissed by learned Sessions Judge, Kapurthala, vide order dated 01.09.2018. Respondent No.1 has filed the divorce petition against the applicant on false ground of having illicit relations with respondent No.2-Abhishek Verma. According to the applicant, she apprehends physical harm at the hands of respondent No.1. It is difficult for her to travel from Kapurthala to Jalandhar, to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondents, who have put in appearance to offer a contest, however, nobody has appeared on behalf of respondent No.2 today in the Court. Respondent No.1 has filed a detailed reply, contesting the application, contending that the applicant has concealed true facts from the Court. She has engaged a lawyer and is defending civil suit titled 'Kapil Sehgal and another Vs. Sania Sehgal' pending in the Court of Civil Judge (Jr. Divn.) Jalandhar. Respondent No.1 is taking care of two minor sons of the parties, who are studying in a school at Jalandhar. The applicant had herself left the matrimonial home without any reason, leaving the minor sons behind. The distance between Kapurthala and Jalandhar is about 15 kms, which can be easily traversed. The answering respondent has filed a criminal complaint against the applicant before JMIC, Jalandhar on the allegations

that the applicant is living an adulterous life and having illicit relations with respondent No.2-Abhishek Verma. Respondent No.1 had come to know about the said illicit relations of the applicant with respondent No.2-Abhishek Verma, when he found her talking with him on mobile phone frequently and as revealed by the call details, 5400 calls were exchanged between both of them, not during day time but also at the dead of the night for long duration. The applicant is a quarrelsome lady and her application for transfer of the case should not be accepted. He has prayed for dismissal of the application.

I have heard learned counsel for the parties besides going through the record and I find that keeping in view the facts and circumstances of the case, more particularly, the fact that minor children of the parties, who are school going, are in the custody of respondent No.1 and further, the distance between Kapurthala and Jalandhar is stated to be 15 kms only and considering the allegations with regard to moral character of the applicant levelled by respondent No.1, I find that the application is doomed for failure and is dismissed accordingly.

09.04.2019

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(H.S. MADAAN)
JUDGE

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