

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

TA-927-2018 (O&M)
Date of decision: 22.07.2019

Rimpi

...Applicant

Versus

Manminder Kumar

...Respondent

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

Present: Mr. S.K. Sharma, Advocate for the applicant.

Mr. Varun Sharma, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Rimpi, wife of respondent Manminder Kumar, presently residing with her parents at Hoshiarpur, on account of matrimonial discord between the spouses, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Manminder Kumar Vs. Rimpi' pending in the Court of District Judge, Jalandhar to the Court of competent jurisdiction at Hoshiarpur.

According to the applicant, the marriage solemnized between the spouses on 07.04.2011 did not work, though, the couple was blessed with two daughters i.e. Baby Sakshi, born on 18.12.2012 and Baby Khusboo, born on 18.01.2014; that on account of harassment and maltreatment at the hands of respondent, the applicant was forced

to leave the matrimonial home and start residing with her parents. She does not have any source of income. She has filed a petition under Section 125 Cr.P.C., besides one seeking custody of minor daughters against the respondent in Courts at Hoshiarpur. On account of financial constraints and for other reasons, it is difficult for the applicant to travel from Hoshiarpur to Jalandhar to attend the dates of hearing in the Court there, covering a distance of about 50 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel and filed written reply, vehemently opposing the application, praying for its dismissal, contending that earlier the applicant had filed an application for transfer of petition under Section 9 of the Hindu Marriage Act, brought by the respondent before this Court, wherein, she had claimed that the minor daughters were residing with her, whereas, actually, they have been in the custody of respondent and managed to get the order in her favour. Keeping in view such conduct of the applicant, the instant application deserves to be dismissed.

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

Admittedly, the minor daughters of the parties are in the custody of the respondent, who is looking after and taking care of them. Under the circumstances, it would not be proper and appropriate

to direct the respondent to go from Jalandhar to Hoshiarpur, to attend the dates of hearing in the Court there. Therefore, no ground is made out to allow the application. The same stands dismissed.

22.07.2019

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(H.S. MADAAN)
JUDGE

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