

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

TA-940-2018 (O&M)

Date of decision: 21.08.2019

Babli Rani

...Applicant

Versus

Mohan Singh @ Parveen Singh

...Respondent

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

Present: Ms. Swati Batra, Advocate for the applicant.

Mr. Prashant Bansal, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Babli Rani, aged about 29 years, estranged wife of respondent Mohan Singh @ Parveen Singh, presently residing with her parents at Yamuna Nagar, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Mohan Singh @ Parveen Vs. Babli Rani' pending in the Court of Addl. District Judge, Patiala to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri, for the reason that she does not have any source of income and it is difficult for her to travel from her parental place to Patiala to attend the dates of hearing in the Court there, covering a distance of about 130 kms on one side. Furthermore, five cases between the parties are pending in Courts at Yamuna Nagar at Jagadhri.

Notice of the application was given to the respondent who

put in appearance through counsel, filed written reply and is opposing the application vehemently, praying for its dismissal.

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

As per copies of documents placed on file by the respondent, in FIR No. 104 dated 21.03.2014 for offences under Section 498-A, 406, 323 and 506 IPC with Police Station Farakpur, in which case, the respondent, his mother and brother were challaned and sent up to face trial. Vide judgment dated 16.09.2017, they were acquitted by JMIC, Yamuna Nagar at Jagadhri, observing that the prosecution had failed to prove the guilt of the accused beyond shadow of reasonable doubt. With regard to petition under Sections 12, 18, 19, 20 & 22 of Protection of Women from Domestic Violence Act, 2005 brought by applicant Babli Rani against her husband Parveen @ Golu @ Mohan and other family members, the petition after trial was also dismissed by JMIC, Yamuna Nagar at Jagadhri, vide judgment dated 01.12.2017, with the observations that in the absence of any cogent evidence, it could not be presumed that the petitioner was ever subjected to domestic violence by the respondent and it was further observed that the petitioner herself left her matrimonial house of her own sweet will without any sufficient reason or cause. The petition under Section 125 Cr.P.C. filed by the present applicant against her husband Parveen @ Gollu, the respondent was also dismissed by JMIC, Yamuna Nagar at Jagadhri, vide order dated 01.12.2017 with similar observations, in addition to that observing that the allegations of

physical as well as mental harassment could not be proved by the petitioner. Under such circumstances, it is not found desirable to allow the application. Accordingly, the same stands dismissed.

21.08.2019

sumit.k

(H.S. MADAAN)
JUDGE

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