

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

TA-539-2018 (O&M)
Date of decision: 05.07.2019

Raj Bala @ Reema

...Applicant

Versus

Rahul Dhiman

...Respondent

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

Present: Mr. Rakesh Gupta, Advocate for the applicant.

Ms. Amarinder Verma, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Raj Bala @ Reema, aged about 35 years has filed an application for transfer of divorce petition titled 'Rahul Dhiman Vs. Raj Bala @ Reema' pending in the Court of District Judge, Family Court, Ambala to the Court of competent jurisdiction at Patiala.

According to the applicant, she is not having any source of income. She is looking after male child of the parties, aged about 06 years. She has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Patiala. Under the circumstances, it is difficult for her to travel from Patiala to Ambala to attend the dates of hearing in the Court there, covering a distance of about 60 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, filed written reply and is vehemently

opposing the application.

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

Learned counsel for the applicant has reiterated the averments made in the application while praying for acceptance of the application in question, whereas, learned counsel for the respondent while opposing the request, has contended that the respondent had met with an accident in the year 2017, resultantly, he was badly injured and had suffered fracture in his leg, with a result, it is difficult for him to walk about. She has drawn my attention to discharge summary issued by Govt. Medical College & Hospital, Sector-32B, Chandigarh in that regard.

After hearing the rival contentions, I find that on account of physical disability of respondent, as a result of suffering injury in a road side accident, it would not be proper and appropriate to ask him to go to Patiala to attend the dates of hearing in the Court there. Of course, the applicant can ask for payment of requisite charges for her travelling from Patiala to Ambala and the trial Court may decide her request in that regard in accordance with law, in the light of legal position settled by the Apex Court. Thus, finding no merit in the application, the same stands dismissed.

05.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No