

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

TA-710-2018

Date of decision:-19.3.2019

Smt.Monika Sharma and another

...Applicants

Versus

Smt.Shashi Sharma and another

...Respondents

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

Present : Mr.Abhimanyu Singh, Advocate
for the applicants.

Mr.Ankush Chaudhary, Advocate
for respondent No.2.

H.S. MADAAN, J.

This application has been filed by the applicant Smt. Monika Sharma – wife and Baby Ananya, aged about 10 years - minor daughter of Sh.Mohit Sharma, both of them presently residing at Urban Estate, Kurukshetra. In the application they have arrayed Smt.Shashi Sharma - mother-in-law and Sh.Mohit Sharma – husband of applicant No.1 as respondents, who happen to be grandmother and father of minor applicant No.2. According to the version of the applicants, applicant

No.1 along with applicant No.2 were forced to leave the matrimonial home by respondent No.2 and his family members since they were not happy on account of birth of a girl child i.e. applicant No.2. The applicants seek transfer of civil suit for grant of permanent injunction filed by Smt.Shashi Sharma – respondent No.1 against the applicants having title “Smt.Shashi Sharma Versus Smt.Monika Sharma and another”, pending in the Court of Civil Judge(Sr.Divn.), Gurugram to the Court of competent jurisdiction at Kurukshetra.

According to the applicants, they do not have any source of income and it is difficult for applicant No.1, who is taking care of applicant No.2, to travel from Kurukshetra to Gurugram to attend the dates of hearing in the Court at Gurugram. Therefore, the application be accepted.

Notice of the application was given to the respondent No.2, who put in appearance through counsel and is opposing the application vehemently.

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

The applicant No.1 herself has filed a civil suit titled “Monika Sharma Versus Mohit Sharma etc.” in the Court at Gurugram as per Annexure P2. Smt.Shashi Sharma has filed a suit for permanent injunction against the present applicants in that Court. Smt.Shashi Sharma is stated to be an aged widow. It would be too much to ask her to go to Kurukshetra to attend the dates of hearing in the Court there, by accepting the application for transfer of the case.

The civil suit in question is not in the form of direct

matrimonial litigation between the spouses. Of course, the Court is sympathetic to women in case of matrimonial litigation where appearance of the wife is required on certain occasions in connection with making efforts for reconciliation etc. But nature of the present case is such that personal appearance of the applicants in the Court would be hardly required and they can appear there through counsel, though applicant may be required to appear in the Court on one or two occasions in connection with getting her statement recorded, if need be.

Therefore, in my considered view, no case for transfer of the civil suit as prayed for in the application is made out.

The application is, therefore, dismissed.

(H.S.MADAAN)
JUDGE

19.3.2019
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No