

TA-337-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-337-2020

Date of Decision: 29.10.2020

Kavita

...Petitioner

Versus

Sushil Kumar & another

...Respondents

CORAM: HON'BLE MR. HARMINDER SINGH MADAAN

Present Mr. Sanish Girdhar, Advocate
 for the applicant.

 Mr. K.L. Saini, Advocate
 for respondent No.1.

HARMINDER SINGH MADAAN, J. (ORAL)

Case taken up through video conferencing.

By way of filing the present application, applicant – Kavita seeks transfer of divorce petition filed by her husband, respondent No.1 – Sushil Kumar, pending before the Family Court, Bhiwani, to the Court of competent jurisdiction at Hisar.

2. The reason given by the applicant for seeking transfer is that on account of matrimonial discord between the spouses, she is residing separately from her husband at Hisar; she has initiated litigation against her husband there, whereas the husband has filed a divorce petition against her in Court at Bhiwani. Being a woman, not having sufficient financial resource, it is difficult for her to go from Hisar to Bhiwani by covering a distance of more than 60 kilometers to attend the dates of hearing there.

TA-337-2020

3. The notice of the application was given to respondent No.1, who has put in appearance. No written reply has been filed though several opportunities have been given to respondent No.1 for that purpose.

4. I have heard learned counsel for the applicant, learned counsel for respondent No.1 besides going through the record and I find that the present application is doomed for failure.

5. A perusal of the divorce petition goes to show that there are grave and serious allegations against the present applicant – Kavita with regard to her moral character and more particularly that she is living in adultery with one Anuj Rana, who has been arrayed as respondent No.2 in the divorce petition. Petitioner – husband in the divorce petition has specifically alleged that he has seen his wife Kavita with Anuj Rana in objectionable position several times. With such type of allegations, applicant is certainly not entitled to get the petition transferred from the Court at Bhiwani to the Court at Hisar.

6. In view of the above, the present application for transfer is dismissed.

29.10.2020*Nisha*

(H.S. Madaan)
Judge

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