

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

TA-670-2021

Date of decision: 05.04.2022

Jyoti @ Jyoti Mehta

.....Petitioner

versus

Jaspal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Deepanshu Mehta, Advocate
for the petitioner.

Mr. Naveen Batra, Advocate
for the respondent.

FATEH DEEP SINGH, J.

Marriage between the applicant/petitioner-Jyoti @ Jyoti Mehta and respondent-Jaspal Singh was solemnized on 04.09.2016 and subsequent thereto, on account of matrimonial dispute, the husband preferred the petition bearing No. HMA-20/2021 titled as 'Jaspal Singh versus Jyoti @ Jyoti Mehta' under Section 13 of the Hindu Marriage Act seeking dissolution of the marriage by decree of divorce against the wife. It is in this matter pending before the learned Principal Judge, Family Court, Dasuya, District

Hoshiarpur, the wife had moved before this Court an application under Section 24 read with Section 151 of the CPC seeking transfer of the petition from a Court at Dasuya to a Court of competent jurisdiction at Jalandhar.

The primary ground put forth is that as to the relative distance between Hoshiarpur and Jalandhar, which the applicant claims and she is facing hardship to cover the same and attend the hearing.

Respondent did not prefer to file reply to the application.

Heard counsel for the parties and perused the records.

Admittedly, the wife is an educated lady, a Doctor by profession. It is the own stand of the parties that it was a love marriage while the husband before this marriage having suffered injuries was recuperating in the same very hospital, have fallen in love and entered into this wedlock. The certificate issued by the Senior Medical Officer, Incharge, Civil Hospital shows that the husband is suffering from 45% physical disability which is of permanent nature and has affected the lower limbs and as has been submitted by the counsel for the husband certainly is not in a position to freely move without external aid. The very purpose of this petition, if allowed, would rather put the husband, who is

disabled person, to more harassment when the wife, being physically fit, would find no difficulty in moving around and attending to her hearings. The proceedings being of civil in nature, the presence of the wife at the hearing is not at all essential on each and every date of hearing.

This Court, to meet the ends of justice, does not feel that there is any genuine and *bonafide* reasons to accede to the prayer of the applicant/wife, and thus, the application being wholly without merits stands dismissed.

05.04.2022*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No