

T.A. No.400 of 2018

Date of Decision:06.12 .2018.

Neeraj Rani @ Niharika

Versus

...Applicant

Sachin Goyal

...Respondent

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

Present: Mr. Tushar Gautam, Advocate for the applicant.

Mr. Manoj Kaushik, Advocate for the respondent.

H.S. MADAAN, J. (ORAL)

Applicant Neeraj Rani @ Niharika, by way of moving application under reference, is seeking transfer of divorce petition filed by her husband Sachin Goyal against her, having title 'Sachin Goyal vs. Smt. Neeraj Rani @ Niharika,' pending in the Court of learned District Judge, Family Court, Faridabad to learned District Judge, Family Court, Mewat at Nuh.

According to her, the marriage between the parties was solemnized on 25.07.2015, they started residing together, the marriage was consummated and she gave birth to a female child named -Baby Many, who is presently about two years old. Unfortunately, dispute arose between them. Resultantly, she has to leave the matrimonial home along with her minor daughter and to fall back upon her parents residing at Pingawan, District Mewat (Nuh).

Now her husband has filed a divorce petition against her in the Court of learned District Judge, Family Court, Faridabad. She being a lady, having no source of income, required to look after the minor daughter it is difficult for her to travel about 90 Kms to attend the dates of hearing in the

Family Court at Faridabad. Therefore, the petition in question be transferred to the Court of District Judge, Family Court, Mewat at Nuh.

Notice of the application was given to the respondent through his counsel, who vehemently opposed the prayer made by the applicant in the application by submitting that fast mode of transport is available these days and the applicant can very well cover the distance so as to appear in the Family Court at Faridabad and furthermore, since the proceedings are civil in nature and her presence on each and every date is not required, therefore, her application is required to be declined.

I have heard learned counsel for the parties and gone through the record.

I find merit in the application. Keeping in view the circumstances and submissions made by the counsel for the applicant, I find it proper and appropriate if the application is accepted.

Accordingly, the same is allowed. The petition in question is ordered to be withdrawn from the Court of learned District Judge, Family Court, Faridabad and transferred to the Court of learned District Judge, Family Court, Mewat at Nuh for disposal in accordance with law.

Parties through their counsel are directed to appear in the transfree Court on 17.01.2019. Copies of the order be sent to the Court of District Judge, Family Court, Faridabad as well as to the Court of learned District Judge, Family Court, Mewat at Nuh for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 06, 2018

Jyoti-IV

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