

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

T.A. No. 559 of 2018

DATE OF DECISION :- December 07, 2018

Arti alias Harsh Mehta

...Applicant

Versus

Harish Kumar alias Shunti

...Respondent

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

Present:- Mr. Aditya Pal Singh, Advocate for the applicant.

Applicant Arti alias Harsh Mehta has brought the present application under Section 24 C.P.C for transfer of divorce petition filed by her husband Harish Kumar alias Shunti, who is respondent in the present application, against her having title 'Harish Kumar alias Shunti versus Arti alias Harsh Mehta' pending before District Judge (Family Court), Bhiwani to the Court of competent jurisdiction at Fatehabad, Haryana.

Interalia in the application it is contended that after marriage was solemnized between the parties on 12.12.2006, they started residing together. They could not lead happy marital life. Applicant had given birth to a male child from loins of respondent, presently aged about 10 years. The said son is stated to be residing with the present applicant that is his mother. According to the applicant, circumstances so arose that she was forced to leave the matrimonial home along with the minor son and she started residing with her parents earlier at Bhawanikhera, District Bhiwani now at Tohana, District Fatehabad. It is contended that the respondent has filed a divorce petition against her which is

pending in the Court of District Judge (Family Court), Bhiwani. The applicant being a woman having no source of income required to take care of minor son of the parties. It would be difficult for her to go to Bhiwani to attend the dates of hearing there covering a distance of 130 kms on one side, as such the petition in question be transferred to the Court of competent jurisdiction at Fatehabad.

Notice of application was given to the respondent, who as per office report has been duly served but he has not opted to appear and offer a contest.

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

In view of the contentions raised in the application and submissions made by learned counsel for the applicant, I find ends of justice demand that application be accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of District Judge (Family Court), Bhiwani and transferred to the Court of District Judge, Fatehabad (Haryana) for disposal in accordance with law. Learned District Judge, Fatehabad may retain the petition on his Board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 18.1.2019. Copies of orders be sent to the Court of District Judge (Family Court), Bhiwani as well as to the Court of District Judge, Fatehabad for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 07, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No