

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 771 of 2018 (O&M)

Date of decision : 17.12.2018

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Monika Devi

.....Applicant

vs.

Dinesh Kumar

.....Respondent

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Ravi Chadda, Advocate for the applicant.

Mr. S.K. Chaudhary, Advocate  
for the respondent.

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**H. S. Madaan, J. (Oral)**

Applicant – Monika Devi, by way of filing the present application is seeking transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband Dinesh Kumar, who is respondent in the present application, against her, having title 'Dinesh Kumar vs. Monika Devi' pending in the Court of District Judge, Family Court, Pathankot, to a Court of competent jurisdiction at Mukerian/Hoshiarpur.

According to the applicant, after getting married on 6.10.2017, the applicant and respondent could not pull on together.

The applicant was treated with cruelty by her husband and his family

members. She had to leave the matrimonial home and start residing with her parents at Mukerian. She filed a criminal complaint against them for that reason, which is pending before Sub Divisional Judicial Magistrate, Mukerian. She has filed another petition under Section 12, 18 and 19 of the Protection of Women from Domestic Violence Act, at Mukerian. Now her husband has instituted a petition under Section 9 of the Hindu Marriage Act against the present applicant in a Court at Pathankot. Being a young woman, having no source of income, it is difficult for the applicant to go from Mukerian to Pathankot, covering a distance of 40 kms on one side, incurring travelling expenses. Further more, two more cases filed by the applicant against the respondent are pending in the Court at Mukerian. Therefore, this application be accepted.

Notice of the application was given to the respondents, who have put in appearance through counsel.

The application is being opposed stating that distance between Mukerian and Pathankot is not much and applicant can easily go from Mukerian to Pathankot to attend the dates of hearing there. Furthermore, mode of transportation these days is very fast and does not take much time to cover a distance of 40 kms. Therefore, the application be dismissed.

After going through the record and hearing learned counsel for the parties, I find that the applicant being a young woman, residing with her parents, it would definitely be inconvenient for her to go from Mukerian to Pathankot to attend the dates of hearing, more particularly when financial constraints are there.

It being so, the application is accepted. The petition in question pending in the court of District Judge, Family Court, Pathankot, is withdrawn from that Court and transferred to the Court of Additional Civil Judge (Senior Division), Mukerian, for disposal in accordance with law. Parties through counsel are directed to appear there on 22.1.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

**17.12.2018**  
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**( H.S. Madaan )**  
**Judge**

Whether speaking / reasoned                      Yes / No

Whether reportable                                      Yes / No