

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

TA-6-2019 (O&M)

Date of decision: 22.07.2019

Neelam

...Applicant

Versus

Ishwar

...Respondent

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

Present: Mr. Vivek Khatri, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Neelam, aged about 29 years, estranged wife of respondent Ishwar, presently residing with her parents at Hisar, on account of differences between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Ishwar Vs. Neelam' pending in the Court of Addl. Civil Judge (Sr. Divn.) Jind to the Court of Civil Judge (Sr. Divn.) at Hisar.

According to the applicant, the marriage solemnized between the parties on 15.03.2009 did not work on account of demand of dowry by the respondent and his family members from the applicant, which she could not fulfill. The couple was blessed with two children, namely, Baby Kanika, aged about 08 years and a son, namely Master Kartik, aged about 02 years. On account of harassment and maltreatment at the hands of respondent and his family members, the applicant had to leave the matrimonial home and start residing with her parents. She does not have any source of income. She has filed a petition under Section 12 of

Protection of Women from Domestic Violence Act, 2005 against the respondent before ACJM, Hisar. Minor children of the parties are living with the applicant. Just to harass and cause inconvenience to the applicant, the respondent has filed the petition in question against her. Under the circumstances, it is difficult for the applicant to travel from her parental place to Jind to attend the dates of hearing in the Court there, covering a distance of about 100 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served but did not appear to offer a contest.

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

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant, in which I find merit, in absence of any strong circumstance to the contrary, it would be proper and appropriate, if the application is accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Addl. Civil Judge (Sr. Divn.) Jind and transferred to Family Court at Hisar for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 23.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

22.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No