

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

TA-15-2019 (O&M)

Date of decision: 12.03.2019

China Rani

...Applicant

Versus

Sanjeev Kumar

...Respondent

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

Present: Mr. V.S. Rishi, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant China Rani, aged about 36 years, estranged wife of respondent Sanjeev Kumar, presently residing with her parents at Ludhiana, by way of moving the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, the respondent against her having title 'Sanjeev Kumar Vs. China' pending in the Court of Civil Judge (Sr. Divn.), Patiala to the Court of competent jurisdiction at Ludhiana.

According to the applicant, marriage performed between the parties on 17.04.2016 at Ludhiana did not work, though, the couple was blessed with a son namely, Master Rakshit @ Rubal. The applicant along with minor son were forced to leave the matrimonial home in the month of July 2016 and she had no other place to go except her parental house at Ludhiana. The applicant has filed a petition under Section 125 Cr.P.C., against the respondent in Court at Ludhiana. She has also filed a petition under Section 12 of Protection of Women from Domestic Violence Act,

2005 in the Court of competent jurisdiction at Ludhiana. Thereafter, the respondent has filed the petition in question as a counter blast in Court at Patiala. According to the applicant, she being a young woman, taking care of minor son of the parties, having no source of income, it is difficult for her to travel from her parental place to Patiala, to attend the dates of hearing in Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent who as per office report has been duly served but has not opted to appear and 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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Divn.), Patiala and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 23.04.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

12.03.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No