

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

TA-30-2019 (O&M)

Date of decision: 19.08.2019

Komal

...Applicant

Versus

Gourav @ Ayush Sehgal

...Respondent

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

Present: Mr. Y.D. Kaushik, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Komal, aged about 28 years, estranged wife of respondent Gourav @ Ayush Sehgal, presently residing with her parents at Jawahar Nagar, Camp Palwal, Tehsil Hathin, District Palwal 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 'Gourav @ Ayush Sehgal Vs. Komal' pending in the Court of Civil Judge (Sr. Divn.), Panipat to the Court of competent jurisdiction at Palwal.

According to the applicant, she was married with the respondent on 02.07.2012. Thereafter, they started residing together and were blessed with two children i.e. a son, namely, Master Ansh and a daughter, namely Baby Digvi. From the very beginning, the applicant was treated with cruelty by the respondent. The applicant was forced to leave the matrimonial home and she had no other place to go except the house

of her parents at Jawahar Nagar, Camp Palwal, where she is putting up presently. She has lodged an FIR under Section 498-A IPC against the respondent at Palwal, besides, bringing a petition under Section 125 Cr.P.C. and a complaint under provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Palwal. The respondent has filed the petition in question against the applicant just to harass her. The applicant does not have any source of income. Under the circumstances, it is difficult for the applicant to travel from her parental place to Panipat to attend the dates of hearing in the Court there, covering a distance of about 180 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served and put in appearance through counsel but there is no representation on his behalf in the Court today.

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.), Panipat and transferred to the Court of learned District Judge, Palwal for disposal in accordance with law. Learned District Judge, Palwal may retain the petition on his board

or assign it to any other Court of competent jurisdiction.

The parties are directed to appear in the transferee Court on 20.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

19.08.2019

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(H.S. MADAAN)
JUDGE

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