

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

TA-74-2019 (O&M)

Date of decision: 06.03.2019

Nidhi

...Applicant

Versus

Abhishek Bhardwaj

...Respondent

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

Present: Mr. Shivam Malhotra, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Nidhi, aged about 36 years, wife of respondent Abhishek Bhardwaj, presently residing with her parents at Jalandhar, on account of a marital dispute between the spouses, 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 'Abhishek Bhardwaj Vs. Nidhi' pending in the Court of Civil Judge (Jr. Divn.), Ludhiana to the Court of competent jurisdiction at Jalandhar.

According to the applicant, the parties got married on 21.01.2014 at Jalandhar. Thereafter, they started residing together at Ludhiana and were blessed with a female child, namely, Ridhi on 04.01.2016, however, after some time of marriage, respondent and his family members started maltreating the applicant in connection with demand of dowry. She was forced to leave the matrimonial home along

with minor child and she had no other place to go except her parental house at Jalandhar. She has filed a petition under Section 125 Cr.P.C., against the respondent in Court at Jalandhar, where respondent has put in appearance. The applicant has lodged two FIRs against the respondent and his family members, one at Jalandhar and other at Ludhiana. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent, which is pending in the Court of JMIC, Jalandhar. As a pressure tactics, the respondent has filed the petition in question against the applicant. The applicant being a young woman, taking care of the infant daughter of the parties and she has recently got a job of a teacher on temporary basis in a school at Jalandhar, as such, it is difficult for her to travel from Jalandhar to Ludhiana, to attend the dates of hearing in Court there, covering a distance of 60 kms on one side. 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 (Jr. Divn.), Ludhiana and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 03.04.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

06.03.2019

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(H.S. MADAAN)
JUDGE

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