

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

TA-45-2019 (O&M)

Date of decision: 19.09.2019

Sudesh

...Applicant

Versus

Satish Kumar

...Respondent

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

Present: Mr. Baljeet Nain, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Sudesh, aged about 34 years, estranged wife of respondent Satish Kumar, presently residing with her parents at Village Kheri Jalab, Tehsil Narnound, District Hisar, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Satish Kumar Vs. Smt. Sudesh' pending in the Court of Addl. District Judge, Fatehabad to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage solemnized between the spouses on 21.05.2005 did not work, though, the couple was blessed with two sons, namely, Master Dhruv, aged about 09 years and Master Parm, aged about 06 years. On account of harassment and maltreatment meted out to the applicant at the hands of respondent and

his family members, she was forced to leave the matrimonial home and start residing with her parents. She does not have any source of income and is dependent upon her parents for meeting her financial needs and those of her minor sons. She along with minor sons of the parties had filed a petition under Section 125 Cr.P.C. besides another petition under Section 9 of the Hindu Marriage Act, against the respondent in Courts at Hisar. The respondent has filed the petition in question against the applicant just to harass her. Under the circumstances, it is difficult for her to travel from her parental place to Fatehabad to attend the dates of hearing in the Court there, covering a distance of about 50 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served through his counsel in the trial Court 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 The petition in question is ordered to be withdrawn from the Court of Addl. District Judge, Fatehabad and transferred to Family Court at Hisar for disposal in accordance with

law.

The parties are directed to appear in the transferee Court on 22.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

19.09.2019

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(H.S. MADAAN)
JUDGE

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