

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 109 of 2019 (O&M)
Date of decision : 14.11.2019

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Shivani

.....Applicant

vs.

Lalit Kumar

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajinder Mathur, Advocate for the applicant.

Respondent – proceeded against ex parte vide order dated
5.4.2019.

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H. S. Madaan, J. (Oral)

By way of filing the present application, applicant – Shivani aged about 26 years, estranged wife of Lalit Kumar, presently residing with her parents at Hisar, on account of matrimonial dispute between the parties, seeks transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Lalit Kumar vs. Shivani' pending in the Court of District and Sessions Judge, Bathinda, to a Court of competent jurisdiction at Hisar.

According to the applicant, she is taking care of minor son of the parties aged about 1 ½ years. She has lodged an FIR No.457 dated 23.7.2016 for offences under Sections 323, 34, 406, 498-A, 506 IPC, with Police Station Civil Lines, Hisar, against the respondent and his

family members. Four more cases between the parties are pending in the Courts at Hisar. The applicant does not have any source of income. Her parents are old and aged. It is difficult for her to travel from her parental place to Bathinda to attend the dates of hearing in Court there, covering a distance of about 200 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served, but did not put in appearance to offer a contest. He was proceeded against ex parte vide order dated 5.4.2019.

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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of District and Sessions Judge, Bathinda, is withdrawn from that Court and transferred to the Family Court, Hisar, for disposal in accordance with law. Parties through counsel are directed to appear there on 13.12.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

14.11.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No