IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA-104-2019 (O&M)
Date of decision: 03.09.2019

Mehak

...Applicant

Versus

Gaurav Garg

...Respondent

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

Present: Mr. Vaibhav Mittal, Advocate for the applicant.

None for the respondent.

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H.S. MADAAN, J. (Oral)

Applicant Mehak, aged about 30 years, estranged wife of respondent Gaurav Garg, presently residing at Kurukshetra, 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 'Gaurav Garg Vs. Mehak' pending in the Court of Addl. District Judge, Kaithal to the Court of competent jurisdiction at Kurukshetra.

As per version of the applicant, the marriage solemnized between the parties on 17.02.2012 at Kaithal did not prove to be successful, though, the couple was blessed with two daughters i.e. Baby Pranya born on 06.09.2013 and Baby Elishika born on 25.10.2016. On account of harassment and maltreatment meted out to the applicant at the hands of respondent and his family members in

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connection with demand of more dowry, the applicant along with minor daughters was compelled to leave the matrimonial home and start residing separately. The applicant has filed a complaint under provisions of Protection of Women from Domestic Violence Act, 2005 and another criminal complaint under Section 498-A IPC against the respondent in Courts at Kurukshetra. The respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having no source of income, it is difficult for her to travel from Kurukshetra to Kaithal, to attend the dates of hearing in the Court there, covering a distance of about 60 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who had put in appearance through counsel but subsequently, the counsel did not appear on his behalf.

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, Kaithal and transferred to Family Court at Kurukshetra, for disposal in accordance

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with law.

The parties are directed to appear in the transferee Court on 14.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

03.09.2019 **(H.S. MADAAN)**
sumit.k **JUDGE**

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

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