

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

T.A. No. 100 of 2019

DATE OF DECISION :- November 01, 2019

Monika Bhatia

...Applicant

Versus

Sumit Bhatia

...Respondent

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

Present:- Mr. Jagdeep S. Virk, Advocate for the applicant.

Applicant Monika Bhatia, aged about 36 years, estranged wife of Sumit Bhatia-respondent, presently residing with her parents at Panipat on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13(1) (1-A) & (1-B) of the Hindu Marriage Act filed by her husband Sumit Bhatia against her having title 'Sumit Bhatia Vs. Monika Bhatia' pending in the Court of Additional District Judge, Fatehabad to the Court of competent jurisdiction at Panipat.

According to the applicant, the marriage performed between the parties on 29.3.2011 ran into rough weather though the couple was blessed with a son namely master Aarav Bhatia born on 14.10.2013. The applicant was harassed and maltreated by the respondent and ultimately she left the matrimonial home and start residing with her parents at Panipat. She has lodged a criminal case against the respondent and his parents where the challan has been filed in the Court and such persons are facing trial. The applicant has filed a petition under Section 125 Cr.P.C. against the respondent in the Court at Panipat. The applicant does not have

any source of income. She has to take care of minor son of the parties, as such, it is difficult for her to travel from her parental place to Fatehabad so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served and put in appearance through counsel. The matter was referred to mediation but mediation could not proved to be successful. Thereafter there has not been any representation on behalf of the respondent.

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 The petition in question is ordered to be withdrawn from the Court of Additional District Judge, Fatehabad and transferred to Family Court at Panipat for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 2.12.2019. Copies of orders be sent to the Court of Additional District Judge, Fatehabad as well as to the Family Court at Panipat for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 01, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No