

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

**T.A. No. 99 of 2019**

**DATE OF DECISION :- November 26, 2019**

**Sudesh**

**...Applicant**

**Versus**

**Virender**

**...Respondent**

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

**Present:-** Mr. ,Neeraj Yadav, Advocate for the applicant.

**\*\*\***

Applicant Sudesh, aged about 36 years, estranged wife of Virender-respondent, presently residing separately from her husband at Village Tankri, Tehsil Bawal, District Rewari due to matrimonial discord between the parties seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Virender against her having title 'Virender Vs. Sudesh' pending before the Court of District Judge, Jhajjar as well as petition under Section 25 of the Guardian and Wards Act, 1890 having same title pending in the Court of Civil Judge (Sr. Divn.), Jhajjar to the Court of competent jurisdiction at Rewari.

According to the applicant, the marriage solemnized between the parties on 11.3.2011 ran into rough weather. On account of demand of more dowry raised by the respondent and his family members, she had to leave the matrimonial home and start residing with her parents. She is having custody of the minor daughter of the parties, aged about 7 years. The applicant is working as a teacher in a government school. It is difficult for her to travel from her parental place to Jhajjar, covering a distance of about 70 kms on one side so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

On the last date of hearing counsel for the respondent sought time to

file reply. Since he had already afforded sufficient opportunities for the purpose, the case was ordered to be listed for arguments for today with the observations that if he wanted to file reply he could do so in the meanwhile by submitting in the Registry with advance copy to counsel for the applicant but it comes out that he has not filed any reply.

Notice of the application was given to the respondent who had put in appearance through counsel but today there is no representation 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 petitions in question i.e. petition under Section 13 of the Hindu Marriage Act as well as petition under Section 25 of the Guardian and Wards Act, 1890 are ordered to be withdrawn from the Court of District Judge, Jhajjar and Civil Judge (Sr. Divn.), Jhajjar respectively and transferred to Family Court at Rewari for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 19.12.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Divn.), Jhajjar as well as to the Family Court at Rewari for information and necessary compliance.

**(H.S. MADAAN)**  
**JUDGE**

**November 26, 2019**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No