

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

TA-161-2019 (O&M)

Date of decision: 24.07.2019

Soma Rani

...Applicant

Versus

Surjit Kumar

...Respondent

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

Present: Mr. I.S. Dhaliwal, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Soma Rani, aged about 26 years, estranged wife of respondent Surjit Kumar, presently residing with her parents at Malout, District Sri Muktsar Sahib, on account of marital discord between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Surjit Kumar Vs. Soma Rani' pending in the Court of District Judge, Family Court, Moga to the Court of competent jurisdiction at Malout or any other Court having jurisdiction.

As per version of the applicant, the marriage between the parties was solemnized on 26.11.2015. Thereafter, they started residing together and the couple was blessed with a female child, who is presently aged about 03 years; that on account of harassment and maltreatment meted out to the applicant by the respondent and his

family members due to failure of the applicant to get the demands of more dowry of her in-laws met from her parents, the applicant was forced to leave the matrimonial home. She had no other place to go except the house of her parents. She does not have any source of income. She had filed a petition under Section 125 Cr.P.C. against the respondent in Court at Malout, which was allowed. Now the execution proceedings are pending. The respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having financial constraints, it is difficult for the applicant to travel from her parental place to Moga to attend the dates of hearing in the Court there, covering a distance of about 135 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served 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 District Judge, Family Court, Moga and transferred to the Court of learned District Judge, Sri Muktsar Sahib for disposal in accordance with law. Learned District Judge, Sri Muktsar

Sahib may retain the petition on his board or assign it to any other Court of competent jurisdiction, may be at Malout, if any Court there has jurisdiction to entertain and try the petition in question.

The parties are directed to appear in the transferee Court on 27.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

24.07.2019
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(H.S. MADAAN)
JUDGE

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