

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

T.A. No. 236 of 2019

DATE OF DECISION :- August 14, 2019

Ratni Devi

...Applicant

Versus

Rajesh Kumar

...Respondent

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

Present:- None for the applicant.

None for the respondent.

By way of filing the present application, applicant Ratni Devi, aged about 24 years, estranged wife of Rajesh Kumar-respondent presently residing with her parents at Village Narwal, Tehsil Rajond, District Kaithal, seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Rajesh Kumar against her having title 'Rajesh Kumar Vs. Ratni Devi' pending in the Court of Principal Judge, Family Court, Panipat to the Court of competent jurisdiction at Kaithal.

According to the applicant, the marriage between the parties performed on 28.7.2015 ran into rough weather. The spouses were not blessed with any child. The applicant was maltreated and harassed by the respondent and his family members and compelled to leave the matrimonial home. She had no other place to go except the house of her parents. She had filed a petition under Section 125 Cr.P.C. for maintenance against the respondent in the Court at JMIC, Kaithal which was allowed vide order dated 14.11.2018 and respondent has filed an appeal against that order which is pending before Additional District Judge,

Kaithal. As a counter blast, he has filed a divorce petition against her in the Court at Panipat. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Panipat to attend the dates of hearing in the Court there, covering a distance of 90 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up to offer a contest.

Keeping in view the contentions in the application, 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 The petition in question is ordered to be withdrawn from the Court of Principal Judge, Family Court, Panipat and transferred to the Court of District Judge, Kaithal for disposal in accordance with law. Learned District Judge, Kaithal may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties are directed to appear in the transferee Court on 17.9.2019. Copies of orders be sent to the Court of Principal Judge, Family Court, Panipat as well as to the Court of District Judge, Kaithal for information and necessary compliance.

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

August 14, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No