

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 222 of 2019 (O&M)

Date of decision : 28.11.2019

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Ruby

.....Applicant

vs.

Gulshan

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rohit Chaudhary, Advocate for
Mr. Tanuj Kumar, Advocate for the applicant.

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H. S. Madaan, J. (Oral)

Applicant – Ruby, aged about 22 years, estranged wife of Gulshan, presently residing with her parents at village Mauli Jagran, U.T. Chandigarh, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Gulshan vs. Ruby' pending in the Court of District Judge (Family Court), Ambala, to a Court of competent jurisdiction at Chandigarh.

As per version of the applicant, marriage solemnized between the spouses in the year 2013 at village Mauli Jagran, U.T., Chandigarh, ran into rough weather. However, the couple was blessed with a girl child, namely Laxmi. The applicant was harassed

and maltreated in connection with demand of more dowry, by the respondent and his family members. The applicant could not get such demands fulfilled from her parents. Ultimately, she alongwith minor daughter of the parties was turned out of the matrimonial home in July 2016. She had no other place to go, except the house of her parents at Chandigarh. She has filed a petition under Section 125 Cr.P.C. against the respondent which is pending in the Court of Judicial Magistrate, Chandigarh, in which the respondent -husband has stopped appearing. As a counter blast the respondent has filed a petition under Section 9 of the Hindu Marriage Act, against the applicant in the Court at Ambala. The applicant being a young woman, taking care of the minor daughter of the parties, having no source of income, with no member in her parental family, to accompany her from Chandigarh to Ambala, it is difficult for the applicant to travel from her parental place to Ambala to attend the dates of hearing in the Court there, covering a distance of about 50 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who as per the office report, has been served but he has not appeared 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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in

question pending in the court of District Judge (Family Court), Amabala, is withdrawn from that Court and transferred to the Court of District Judge, Chandigarh, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties through counsel are directed to appear there on 20.12.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

28.11.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No