

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

TA-277-2019 (O&M)

Date of decision: 22.05.2019

Rekha Rani

...Applicant

Versus

Subash Chander

...Respondent

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

Present: Mr. N.S. Dandiwal, Advocate for the applicant.

Respondent in person.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Rekha Rani, aged about 36 years, estranged wife of respondent Subash Chander, presently residing at Fazilka, seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her having title 'Subash Chander Vs. Rekha Rani', pending in the Court of Addl. District Judge, Family Court, Moga to the Court of competent jurisdiction at Fazilka.

On getting notice, the respondent has appeared in the Court today and he has stated that he is a labourer and is looking after two minor sons of the parties. Elder one is aged 08 years and younger one is aged 05 years. Both of them are suffering from ailments. He has brought the younger son along with him to the Court. He states that the case be not transferred to Court at Fazilka, since keeping in view his poor

financial condition and the fact that he has to look after two minor sons of the parties, having medical problem.

Though, learned counsel for the applicant has reiterated the assertions in the application that the applicant being a young woman, having no source of income and having lodged an FIR against her husband for offences under Sections 406 and 498-A etc. of IPC at Fazilka, besides moving an application under Section 125 Cr.P.C., against him in Court at Fazilka. The present application be accepted.

I have heard learned counsel for the applicant and respondent besides going through the record.

Keeping in view the facts and circumstances of the case, I find that the respondent would be put to unnecessary trouble and inconvenience, in case, the application is accepted. In the present case, the balance of convenience is clearly tilted in favour of the respondent. Therefore, finding no merits in the present application, the same stands dismissed.

22.05.2019

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(H.S. MADAAN)
JUDGE

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