

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

TA-291-2019 (O&M)
Date of decision: 17.08.2019

Monika Sharma

...Applicant

Versus

Vikas Kaushik

...Respondent

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

Present: Mr. C.B. Goel, Advocate for the applicant.

None for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Monika Sharma, aged about 30 years, estranged wife of respondent Vikas Kaushik, presently residing with her parents at Kaithal, due to differences 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 'Vikas Kaushik Vs. Monika Sharma' pending in the Court of Addl. Civil Judge (Sr. Divn.), Sangrur to the Court of competent jurisdiction at Kaithal.

According to the applicant, the marriage solemnized between the parties on 24.11.2016 did not work on account of demand of dowry raised by the respondent and his family members from the applicant, which she could not fulfill. She was harassed and maltreated. The couple was blessed with a daughter, namely, Baby Vritee, born on 06.11.2017

and after birth of the daughter, the applicant along with minor daughter was turned out of the matrimonial home. She had no other place to go except the house of her parents at Kaithal. The applicant does not have any source of income and is dependent upon her parents for meeting her financial needs. She has lodged an FIR No. 0035 dated 01.03.2019 against the respondent with Women Police Station Kaithal. As a counter blast, the respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having financial constraints, taking care of minor daughter of the parties, it is difficult for her to travel from her parental place to Sangrur to attend the dates of hearing in the Court there, covering a distance of about 100 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 Addl. Civil Judge (Sr. Divn.), Sangrur and transferred to the Court of learned 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 19.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

17.08.2019

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(H.S. MADAAN)
JUDGE

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