

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

TA-320-2019 (O&M)

Date of decision: 20.08.2019

Sushila Devi

...Applicant

Versus

Veerpal

...Respondent

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

Present: Mr. Satnam Sishodia, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Sushila Devi, aged about 36 years, estranged wife of respondent Veerpal, presently residing with her parents at Ambala City, on account of differences between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title ' Veerpal Vs. Sushila Devi' pending in the Court of Principal Judge, Family Court, Yamuna Nagar at Jagadhri to the Court of competent jurisdiction at Ambala City.

According to the applicant, her marriage with respondent on 12.12.2002 did not prove to be a happy affair. The marriage of real sister of applicant, namely, Neelam was also solemnized with elder brother of respondent on the same day. The applicant was taunted, maltreated and harassed by the respondent and his family members on account of insufficient dowry. The elder sister of the applicant, namely Neelam married with brother of respondent, namely Kiranpal, who was also treated with cruelty for the same reason, could not tolerate such treatment

and committed suicide. The applicant had given birth to two children from loins of respondent i.e. a son, namely Master Love Adwal and a daughter, namely, Baby Vanshika Adwal. The respondent and his family members used to give beatings to the children also. He is having illicit relations with a woman, namely, Jaswanti of Jind. The applicant was forced to leave the matrimonial home in three wearing clothes along with minor daughter of the parties, where she is putting up with her parents ever since. She does not have any source of income and is dependent upon her parents for meeting her financial needs. She and her minor daughter have filed a petition under Section 125 Cr.P.C. besides another petition under provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Ambala. The respondent has filed the petition in question against the applicant as a tool of harassment and inconvenience. Under the circumstances, it is difficult for the applicant to travel from her parental place to Yamuna Nagar at Jagadhri to attend the dates of hearing in the Court there, covering a distance of about 70 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 Principal Judge, Family Court, Yamuna Nagar at Jagadhri and transferred to Family Court at Ambala for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 23.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

20.08.2019

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(H.S. MADAAN)
JUDGE

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