

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 368 of 2019 (O&M)

Date of decision : 2.11.2019

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Manisha

.....Applicant

vs.

Chander Pal

.....Respondent

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

Present: Mr. Vinod Kumar, Advocate for the applicant.

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H. S. Madaan, J. (Oral)

Applicant – Manisha, aged about 27 years, estranged wife of Chander Pal – respondent, presently residing with her parents at Panipat, on account of matrimonial dispute between the parties, by way of filing the present application, seeks transfer of divorce petition titled 'Chander Pal vs. Manisha', filed by her husband, who is respondent in the present application, against her, pending in the Court of District and Sessions Judge, Family Court, Sonapat to a Court of competent jurisdiction at Panipat.

As per version of the applicant, the marriage solemnized between the parties on 14.11.2009 at Panipat, ran into rough weather, though the couple was blessed with a son, namely, Hunny @ Sameer,

born on 25.4.2011. The applicant was maltreated and harassed by the respondent and his family members, on account of demand of more dowry which she could not get fulfilled from her parents, as such she alongwith minor son of the parties was forced to leave the matrimonial home. She had no other place to go except the house of her widowed mother at Panipat. She does not have any source of income and she is dependent upon her widowed mother for her financial needs and those of minor son of the parties. She had filed petitions under Section 125 Cr.P.C., under Section 12 of the Prevention of Woman from Domestic Violence Act, 2005 and a complaint under Section 498-A IPC against the respondent in the Court at Panipat. Though later on the matter was compromised and the applicant had withdrawn the petitions/complaint. The spouses had resumed cohabitation, but there was no change in the behaviour of the respondent and in the month of November 2016, the applicant was turned out of the matrimonial home. She alongwith her minor son had to go to the parental house of the applicant, where they are putting up now. As a pressure tactic, the respondent has filed a divorce petition against the applicant in the Court at Sonapat and under the circumstances, it difficult for the applicant to travel from her parental place to Sonapat, to attend the dates of hearing in Court there. Therefore the application be accepted.

Notice of the application was given to the respondent, who was duly served and had put in appearance through counsel. Subsequently, the counsel stopped appearing for the last 2-3 dates.

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 and Sessions Judge, Family Court, Sonapat, is withdrawn from that Court and transferred to Family Court, Panipat, for disposal in accordance with law. Parties through counsel are directed to appear there on 3.12.2019.

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

2.11.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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