

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

TA-347-2019 (O&M)
Date of decision: 02.09.2019

Sudha

...Applicant

Versus

Kuldeep

...Respondent

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

Present: Mr. Sudhir Rana, Advocate for
Mr. Vishwajeet Singh, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Sudha, aged about 25 years, estranged wife of respondent Kuldeep, presently residing with her parental family at Village Amru, Tehsil & District Palwal, on account of matrimonial discord 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 'Kuldeep Vs. Sudha' pending in the Court of Addl. District Judge, Principal Judge, Family Court, Rewari to the Court of competent jurisdiction at Palwal.

As per version of the applicant, the marriage solemnized between the parties on 19.02.2017 ran into rough weather, though, the couple was blessed with a male child on 21.06.2018. The applicant was harassed and maltreated on account of demand of more dowry raised by the respondent and his family members, which she could not get fulfilled from her parents. The applicant was forced to leave the matrimonial home and started residing with her parents. She does not have any source of

income. The applicant has 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 Palwal. She has also filed a criminal complaint under Sections 406 and 498-A of IPC against the respondent. The applicant being a young woman, taking care of minor son of the parties, it is difficult for her to travel from her parental place to Rewari, 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 The petition in question is ordered to be withdrawn from the Court of Addl. District Judge, Principal Judge, Family Court, Rewari and transferred to the Court of learned District Judge, Palwal for disposal in accordance with law. Learned District Judge, Palwal 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

04.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

02.09.2019
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(H.S. MADAAN)
JUDGE

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