

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

TA-401-2019 (O&M)

Date of decision: 24.07.2019

Divya

...Applicant

Versus

Ashwani Chauhan

...Respondent

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

Present: Mr. Amit Arora, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Divya, aged about 30 years, estranged wife of respondent Ashwani Chauhan, presently residing with her parents at Bhiwani, on account of marital discord 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 'Ashwani Chauhan Vs. Divya' pending in the Court of Principal District Judge, Family Court, Gurugram to the Court of competent jurisdiction at Bhiwani.

As per version of the applicant, she was married with respondent on 15.02.2015. Thereafter, they started residing together. The couple was blessed with two sons. However, she was harassed and maltreated by the respondent and his family members on account of demand of dowry. Ultimately, she along with minor sons of the parties were forced to leave the matrimonial home. They had no other place to

go except the house of her parents at Bhiwani. The respondent has filed the petition in question against the applicant just to harass her. She has filed a petition under Section 125 Cr.P.C. besides another petition under provision of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Bhiwani. She has also lodged an FIR for offences under Sections 406 and 498-A IPC against the respondent at Bhiwani. The applicant being a young woman, taking care of two minor sons of the parties, having financial constraints, it is difficult for the applicant to travel from her parental place to Gurugram to attend the dates of hearing in the Court there, covering a distance of about 125 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 The petition in question is ordered to be withdrawn from the Court of Principal District Judge, Family Court, Gurugram and transferred to Family Court at Bhiwani for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 27.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

24.07.2019

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(H.S. MADAAN)
JUDGE

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