

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

TA-460-2019 (O&M)

Date of decision: 16.08.2019

Kamlesh

...Applicant

Versus

Vikram Singh

...Respondent

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

Present: None.

H.S. MADAAN, J. (Oral)

Applicant Kamlesh, aged about 36 years, estranged wife of respondent Vikram Singh, presently residing with her parents at Village Jaswanti, District Kaithal, due to 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 'Vikram Singh Vs. Kamlesh' pending in the Court of Addl. District Judge, Fatehabad to the Court of competent jurisdiction at Kaithal.

According to the applicant, the marriage solemnized between the parties on 07.12.2003 did not work, though, the couple was blessed with two children i.e. a daughter, namely, Baby Anisha, aged about 13 years and a son, namely, Master Saurabh, aged about 11 years. On account of illicit relations with another woman, namely, Archana, the applicant was harassed, maltreated and ultimately, turned out of the matrimonial home. The respondent has filed the petition in question

against the applicant just to harass her. The applicant 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 Kaithal. The applicant submits that she being a young woman, having financial constraints, it is difficult for her to travel from her parental place to Fatehabad 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 gone through the record and keeping in view the contentions in the application, 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 The petition in question is ordered to be withdrawn from the Addl. District Judge, Fatehabad 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 18.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

16.08.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No