

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

T.A. No. 494 of 2019

DATE OF DECISION :- December 11, 2019

Jyoti

...Applicant

Versus

Sushil Kumar

...Respondent

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

Present:- Mr. Sandeep Kotla, Advocate for the applicant.

Applicant Jyoti, aged about 26 years, estranged wife of Sushil Kumar-respondent, presently residing with her parents at Hisar on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Sushil Kumar against her having title 'Sushil Kumar Vs. Jyoti' pending in the Court of Additional District and Sessions Judge, Kaithal to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage performed between the parties on 3.3.2014 ran into rough weather. Though the couple was blessed with a daughter namely Mannat, who is residing with the respondent. On account of harassment meted out to the applicant at the hands of respondent and his family members she had to leave the matrimonial home and start residing with her parents. She does not have any source of income. The applicant has filed petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 and another petition under Section 125

Cr.P.C. against the respondent at Hisar. It is difficult for her to travel from her parental place to Kaithal, covering a distance of 130 kms on one side so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served through mother but has not turned up 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 The petition in question is ordered to be withdrawn from the Court of Additional District and Sessions Judge, Kaithal and transferred to Family Court at Hisar for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 10.1.2020. Copies of orders be sent to the Court of Additional District and Sessions Judge, Kaithal as well as to the Family Court at Hisar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 11, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No