

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 549 of 2019 (O&M)

Date of decision : 2.11.2019

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Jagriti Sharma

.....Applicant

vs.

Rohit Kumar Bansal

.....Respondent

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

Present: Mr. Raman Sihag, Advocate for
Mr. Gurmeet Singh, Advocate for the applicant.

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H. S. Madaan, J. (Oral)

Applicant – Jagriti Sharma, aged about 29 years, estranged wife of Rohit Kumar Bansal, presently residing with her parents at Ludhiana, on account of matrimonial dispute between the parties, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955, titled 'Rohit Kumar Bansal vs. Jagriti Sharma', filed by her husband, who is respondent in the present application, against her, pending in the Court of Additional Civil Judge (Senior Division), Malerkotla, to a Court of competent jurisdiction at Ludhiana.

As per case of the applicant, the marriage solemnized

between the parties on 18.2.2018 at Ludhiana, did not prove to be successful. The couple was not blessed with any child. The applicant was harassed and maltreated by the respondent and his family members, on account of demand of more dowry articles, which she could not get fulfilled from her parents, as such she was turned out of the matrimonial home. She had no other place to go except the house of her parents at Ludhiana. The applicant has submitted a complaint to the Commissioner of Police, Ludhiana, against the respondent and his family members. As a pressure tactic, the respondent has filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights in the Court at Malerkotla against the applicant. Under the circumstances, it difficult for the applicant to travel from her parental place to Malerkotla, to attend the dates of hearing in Court there, covering a distance of about 50-55 kms on one side. Therefore the application be accepted.

Notice of the application was given to the respondent, who was duly served, but has not appeared 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, 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 Additional Civil Judge (Senior Division), Malerkotla, is withdrawn from that Court and transferred to the Family Court, Ludhiana, 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
Whether reportable	Yes / No