

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

T.A. No. 584 of 2019

DATE OF DECISION :- November 20, 2019

Ashu Jain

...Applicant

Versus

Harsh Goyal

...Respondent

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

Present:- Mr. Vishal Garg Narwana, Advocate for the applicant.

Applicant Ashu Jain, aged about 35 years, estranged wife of Harsh Goyal-respondent, presently residing at her parental place at Village Baltana, Zirakpur, District S.A.S. Nagar, Mohali 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 Harsh Goyal against her having title 'Harsh Goyal Vs. Ashu Jain' pending in the Court of Principal District Judge, Family Court, Hisar to the Court of competent jurisdiction at S.A.S. Nagar, Mohali or Panchkula.

According to the applicant, the marriage performed between the parties on 23.2.2006 ran into rough weather. On account of demand of more dowry, she had to leave the matrimonial home and start residing at her parental place. The applicant is taking care of two minor children of the parties namely Hardik, aged about 12 years and Himang, aged about 5 years. One minor child namely Devansh is living with cousin sister of the respondent. The applicant has filed Criminal Writ Petition No. 479 of 2019 for recovery of her minor son

Devansh before this Court which is pending adjudication. She has also lodged an F.I.R. under Sections 498-A, 406, 419, 420, 467, 468, 469, 470, 471 read with Section 120-B IPC against the respondent and his family members. She does not have any source of income. It is difficult for her to travel from her parental place to Hisar covering a distance of about 250 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 his mother but he 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 The petition in question is ordered to be withdrawn from the Court of Principal District Judge, Family Court, Hisar and transferred to Family Court at Panchkula for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 18.12.2019. Copies of orders be sent to the Court of Principal District Judge, Family Court, Hisar as well as to the Family Court at Panchkula for information and necessary compliance.

(H.S. MADAN)
JUDGE

November 20, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No