

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

T.A. No. 100 of 2018

DATE OF DECISION :- January 31, 2019

Anamika @ Mannu

...Applicant

Versus

Naresh Kumar

...Respondent

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

Present:- Mr. Shilesh Gupta, Advocate for the applicant.

Mr. Joginder Pal Devgan, Advocate for the respondent.

By way of filing the present application, applicant Anamika @ Mannu, aged about 29 years, estranged wife of Naresh Kumar-respondent, presently residing with her parents at Ludhiana on account of matrimonial discord with her husband by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Naresh Kumar against her having title 'Naresh Kumar Vs. Anamika @ Mannu' pending in the Court of Additional District and Sessions Judge, Jalandhar to the Court of competent jurisdiction at Ludhiana.

According to the applicant, she is taking care of minor daughter of the parties, aged about 3 years having no source of income. She has filed

a petition under Section 125 Cr.P.C. against her husband which is pending in the Court at Ludhiana. Under the circumstances, it is difficult for her to travel from Ludhiana to Jalandhar covering a distance of 60 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through his counsel. He has filed reply opposing the application. It is contended that the respondent is in service and posted at Jalandhar and it would be quite tough for him to get leave frequently and then to go to Ludhiana to attend the dates of hearing there if the application is accepted. It is further contended that applicant is running a Boutique and has source of income and the respondent has already paid a sum of Rs.30,000/- to the applicant towards her maintenance, as such the application being without merit be dismissed.

I have heard learned counsel for the parties besides going through the record.

I find that the comparative inconvenience shall be much more to the applicant if application is dismissed than if it is allowed. 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 The petition in question is ordered to be withdrawn from the Court of Additional District and Sessions Judge, Jalandhar and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the

transferee Court on 6.3.2019. Copies of orders be sent to the Court of Additional District and Sessions Judge, Jalandhar as well as to the Family Court at Ludhiana for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 31, 2019
p.singh

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