

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

T.A. No. 573 of 2017

DATE OF DECISION :- January 18, 2019

Aarti Rani

...Applicant

Versus

Rinku

...Respondent

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

Present:- Mr. R.S. Banyan, Advocate
for Mr. Ishaan Pasricha, Advocate for the applicant.

Mr. Durga Dutt Sharma, Advocate for the respondent.

By way of filing the present application, applicant Aarti Rani, aged about 33 years, estranged wife of Rinku-respondent, presently residing with her parents at Jalandhar seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Rinku against her having title 'Rinku Vs. Aarti Rani' pending in the Court of Civil Judge (Jr. Divn.), Chandigarh to the Court of competent jurisdiction at Jalandhar.

Interalia in the application it is contended that the marriage between the parties ran into rough weather. The applicant has filed a divorce petition against the respondent which is pending in the Court of District Judge, Jalandhar where the respondent has put in appearance. As a pressure tactic, the respondent has filed a petition in question against her. Being a young woman, having no source of income, it is difficult for her to travel from Jalandhar to Chandigarh covering a distance of about 150 kms so as to attend the dates of hearing there. She has filed a petition under Section 125 Cr.P.C. against the

respondent, which is pending before JMIC, Jalandhar. The applicant is also taking care of two minor children of the parties, as such the application be accepted.

The matter was referred to Mediation and Conciliation Centre but mediation did not proved to be successful. Thereafter, there was no representation on behalf of either of the parties on last date of hearing.

Notice of the application was given to the respondent, who has put in appearance through counsel vehemently opposing the application.

I have heard learned counsel for the parties 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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Jr. Divn.), Chandigarh and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 12.2.2019. Copies of orders be sent to the Court of Civil Judge (Jr. Divn.), Chandigarh as well as to the Family Court at Jalandhar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 18, 2019

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No