

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

T.A. No. 1042 of 2018

DATE OF DECISION :- March 06, 2019

Poonam Rani

...Applicant

Versus

Anil Kumar

...Respondent

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

Present:- Mr. Dinesh Saini, Advocate for the applicant.

Applicant Poonam Rani, aged 25 years, estranged wife of Anil Kumar-respondent, presently residing with her parents at Village Dhansu, Tehsil and District 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 Anil Kumar against her having title 'Anil Kumar Vs. Poonam, Rani' pending in the Court of District Judge, Sirsa to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage performed between the parties on 16.5.2011 did not work. The couple was blessed with two children namely Baby Diya, aged about 7 years and Baby Garima, aged about 5 years. The real sister of the applicant namely Suman is married with real brother of respondent. On account of maltreatment given to the applicant by the respondent and his family members in connection with demand of dowry, the applicant had to leave the matrimonial home and start residing with her parents at Village Dhansu, Tehsil and District Hisar. The applicant has filed a petition under Section 125

Cr.P.C. against the respondent besides lodging an F.I.R. against him at Sirsa. As a counter blast, respondent has filed divorce petition against her. According to the applicant, she being a young woman, taking care of two minor daughters of the parties, having no source of income, it is difficult for her to travel from her parental place to Sirsa covering a distance of 100 kms on one side, 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 counsel in the trial Court 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Sirsa and transferred to Family Court at Hisar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 3.4.2019. Copies of orders be sent to the Court of District Judge, Sirsa as well as to the Family Court at Hisar for information and necessary compliance.

(H.S. MADAN)
JUDGE

March 06, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No