

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

TA-1043-2018 (O&M)

Date of decision: 04.02.2019

Anchal

...Applicant

Versus

Himanshu Sharma

...Respondent

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

Present: Ms. Shuchi Sodhi, Advocate
for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Anchal, aged about 24 years, estranged wife of respondent Himanshu Sharma, presently residing with her parents at Ludhiana on account of matrimonial discord with her husband seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her having title 'Himanshu Sharma Vs. Anchal' pending before Civil Judge (Sr. Divn.) Jalandhar to the Court of competent jurisdiction at Ludhiana.

According to the applicant, her marriage with the respondent performed on 05.10.2017 did not work due to cruel attitude of the respondent and his family members towards her. On account of demand of dowry and respondent being addicted to alcohol and doing gambling, the couple was not blessed with any child. The applicant had to leave the matrimonial home and start residing with her parents at Ludhiana. The

respondent has filed the petition in question as a pressure tactics. It is further contended that mother of the applicant is suffering from cancer getting treatment from the hospital at Ludhiana and she requires constant care, therefore, being a young woman without having any source of income, it is difficult for her to travel from Ludhiana to Jalandhar covering a distance of about 65 kms on one side to attend the dates of hearing in Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who has been duly served through counsel in the trial Court but he has not opted to appear and 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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Divn.) 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 07.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

04.02.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No