

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

TA-1048-2018 (O&M)

Date of decision: 13.02.2019

Priyanka

...Applicant

Versus

Kuldeep

...Respondent

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

Present: Mr. Vishal Goel, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Priyanka, aged about 23 years, wife of respondent Kuldeep, presently residing with her parents at Patiala, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Kuldeep Vs. Priyanka' pending in the Court of District Judge, Family Court, Karnal to the Court of competent jurisdiction at Patiala.

According to the applicant, marriage between the parties was solemnized on 24.02.2014 at Patiala. Thereafter, the spouses residing together and applicant gave birth to a female child from the loins of the respondent on 17.08.2015. That child is presently in the custody of the applicant. The applicant was forced to leave the matrimonial home on account of cruel treatment meted out to her by the respondent and his family members in connection with demand of more dowry. The applicant has no other place to go except house of her parents at Patiala. She has filed a petition under Section 125 Cr.P.C., against the respondent for grant of

maintenance in the Court of JMIC, Patiala. In addition to that, she has also brought a complaint under various provisions of Protection of Women from Domestic Violence Act, 2005 in the Court of CJM, Patiala. The respondent has filed petition under Section 9 of the Hindu Marriage Act against her as a pressure tactics. The applicant being a young woman, taking care of minor daughter of the parties, having no source of income, it is difficult for her to go from Patiala to Karnal, covering a distance of 140 kms on one side. Therefore, the present 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 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 District Judge, Family Court, Karnal and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 13.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

13.02.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No