

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

T.A. No. 1072 of 2018

DATE OF DECISION :- October 03, 2019

Sunita

...Applicant

Versus

Satish Kumar

...Respondent

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

Present:- Mr. Surinder Singh Duhan, Advocate for the applicant.

Applicant Sunita, aged about 22 years, estranged wife of Satish Kumar-respondent, presently residing with her parents at Village Brar Khera, Tehsil and District Jind, on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Sections 12(1) (a) and 13 of the Hindu Marriage Act filed by her husband Satish Kumar against her having title 'Satish Kumar Vs. Smt. Sunita' pending in the Court of Principal District Judge, Family Court, Hisar to the Court of competent jurisdiction at Jind.

According to the applicant the respondent has filed the petition in question against her on false allegations rather he has deserted the applicant alleging that she is a eunuch (Hizra). The applicant is residing with her parents. She has lodged an F.I.R. No. 111 dated 8.6.2018 against the respondent for offences under Sections 406, 498-A etc. IPC with Women Police Station, Jind. She has also filed a petition under Section 125

Cr.PC. against the respondent in the Court of Chief Judicial Magistrate, Jind. She does not have any source of income and it is difficult for her to travel from her parental place to Hisar to attend the date of hearing in the Court there covering a distance of about 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 but he 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 The petition in question is ordered to be withdrawn from the Court of Principal District Judge, Family Court, Hisar and transferred to Family Court at Jind for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 29.10.2019. Copies of orders be sent to the Court of Principal District Judge, Family Court, Hisar as well as to the Family Court at Jind for information and necessary compliance.

(H.S. MADAAN)
JUDGE

October 03, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No