

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

T.A. No. 1085 of 2018

DATE OF DECISION :- February 06, 2019

Smt. Minakshi

...Applicant

Versus

Jasbir Singh

...Respondent

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

Present:- Mr. Bhupinder Singh Bairagi, Advocate for the applicant.

Applicant Minakshi, aged about 27 years, wife of Jasbir Singh-respondent, presently residing with her parents at Hisar by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Jasbir Singh against her having title 'Jasbir Vs. Minakshi' pending in the Court of District Judge, Bhiwani to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage which was performed between the parties ran into rough weather and applicant had to leave the matrimonial home and to start residing with her parents. Her husband has filed a divorce petition against her which is pending in the Court of District Judge, Bhiwani. The applicant has filed a petition under Section 9 of the Hindu Marriage Act against the respondent, which is pending before District Judge, Family Court, Hisar. She does not have any source of income. It is difficult for her to travel from Hisar to Bhiwani covering a distance of 70 kms on one side to attend the dates of hearing. Further more, she apprehends physical harm at the hands of her husband, therefore, the

application be accepted.

Notice of the application was given to the respondent, who as per office report was duly served but did not appear.

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 The petition in question is ordered to be withdrawn from the District Judge, Bhiwani and transferred to Family Court at Hisar for disposal in accordance with law.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 8.3.2019. Copies of orders be sent to the Court of District Judge, Bhiwani as well as to the Family Court at Hisar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 06 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No