

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

T.A. No. 1103 of 2018

DATE OF DECISION :- February 25, 2019

Manisha Kashyap

...Applicant

Versus

Dinesh Kumar

...Respondent

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

Present:- Mr. A.S. Dhindsa, Advocate for the applicant.

Applicant Manisha Kashyap, aged about 32 years, wife of Dinesh Kumar-respondent, presently residing with her parents at Jalandhar, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Dinesh Kumar against her having title 'Dinesh Kumar Vs. Manisha Kashyap' pending in the Court of District Judge, Gurdaspur to the Court of competent jurisdiction at Jalandhar.

According to the applicant, the marriage performed between the parties on 27.2.2009 at Jalandhar did not work and applicant was thrown out of the matrimonial home. She has no other place to go except house of her parents at Jalandhar; that she had lodged an F.I.R. for offences under Sections 498A and 406 IPC with Police Station, Jalandhar where the matter was compromised and the F.I.R. was got quashed. Thereafter the respondent

filed divorce petition against her. The applicant contends that she being a young woman, it is difficult for her to travel from Jalandhar to Gurdaspur 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 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Gurdaspur and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 26.3.2019. Copies of orders be sent to the Court of District Judge, Gurdaspur as well as to the Family Court at Jalandhar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 25, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No