

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

TA-129-2018 (O&M)
Date of decision: 05.07.2019

Yogita

...Applicant

Versus

Sumit Malik

...Respondent

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

Present: Mr. Sudhir Hooda, Advocate for the applicant.

None for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Sumit Malik Vs. Yogita' pending in the Court of District Judge, Family Court, Ambala to the Court of District Judge, Family Court, Rohtak has been filed by applicant Yogita, aged about 25 years, estranged wife of respondent Sumit Malik, presently residing with her parents at Rohtak, on account of marital differences between the spouses.

According to the applicant, she is not having any source of income and is dependent upon her parents for meeting her financial needs; that she has filed a petition under Section 125 Cr.P.C. as well as another petition under provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Rohtak. The respondent has filed the divorce petition against her in Court at Ambala just to harass and pressurize her. The applicant being a young woman, having no source of income, it is difficult for her to travel from her

parental place to Ambala to attend the dates of hearing in the Court there, covering a distance of about 200 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who had put in appearance through counsel. The matter was sent to Mediation and Conciliation Centre of this Court for exploring the possibility of amicable settlement between the parties, however unfortunately, that did not prove to be successful. Thereafter, there was no representation on behalf of the respondent in this case.

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 The petition in question is ordered to be withdrawn from the Court of District Judge, Family Court, Ambala and transferred to Family Court at Rohtak for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 06.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

05.07.2019

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No