

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

T.A. No. 234 of 2018

DATE OF DECISION :- January 15, 2019

Heena

...Applicant

Versus

Abjal Ali

...Respondent

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

Present:- Mr. Varinder Chhiber, Advocate for the applicant.

Applicant Heena, aged about 24 years wife of Abjal Ali-respondent, presently residing with her parents at Chandigarh on account of matrimonial discord with her husband is seeking transfer of suit for mandatory injunction filed by her husband against her for restitution of conjugal rights having title 'Abjal Ali Vs. Heena' pending before Civil Judge (Sr. Divn.), Bathinda to the Court of competent jurisdiction at Chandigarh.

According to the applicant, she was married with the respondent as per Muslim rites and ceremonies on 11.1.2012. Thereafter the spouses started residing together. The marriage was consummated. The applicant gave birth to a male child namely Ayaan, presently aged about 5 years and residing with the applicant studying in a school at Chandigarh. After the marriage the applicant was harassed by the respondent and his family members in connection with demand of more dowry. The applicant could not get those demand fulfilled since she had only a widow mother at parental side. The applicant along with minor son had to leave the matrimonial home and start residing with mother of the applicant. The applicant has filed a petition under Section 125 Cr.P.C. for maintenance against the respondent, which is pending in the Court at Chandigarh. As a pressure tactic,

the respondent has filed suit in question in the Court at Bathinda. The applicant being a young woman, having no source of income required to take care of minor son of the parties. It is difficult for her to travel from Chandigarh to Bathinda covering a distance of 250 kms on one side to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but has not put in appearance.

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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Division), Bathinda and transferred to the Court of Civil Judge (Sr. Divn.), Chandigarh for disposal in accordance with law. Learned Civil Judge (Sr. Divn.), Chandigarh may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 11.2.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Division), Bathinda as well as to the Court of Civil Judge (Sr. Divn.), Chandigarh for information and necessary compliance.

**(H.S. MADAAN)
JUDGE**

January 15, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No