

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

T.A. No. 238 of 2018

DATE OF DECISION :- January 17, 2019

Neetu Rani

...Applicant

Versus

Anil Kumar

...Respondent

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

Present:- Mr. U.K. Kanwar Advocate for the applicant.

By way of filing the present application, applicant Neetu Rani, aged about 24 years, estranged wife of Anil Kumar-respondent seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Anil Kumar against her having title 'Anil Kumar Vs. Neetu Rani' pending in the Court of Civil Judge (Jr. Division), Chandigarh to the Court of competent jurisdiction at Fazilka

Inter alia in the application it is contended that the marriage between the parties solemnized on 15.2.2017 ran into rough weather. On account of demand of more dowry by the respondent and his family members she had to leave the matrimonial home and start residing with her parents at Fazilka. The respondent has filed a petition in question against her in the Court at Chandigarh. Being a young woman, having no source of income, it is difficult for her to travel from Fazilka to Chandigarh covering a distance of about 266 kms on one side, more particularly when she has got financial constraints, therefore, the application be accepted.

Notice of the application was given to the respondent through his counsel in the trial Court who refused to accept the service but it has been taken to be due service. Respondent has not put in appearance 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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Jr. Division), Chandigarh and transferred to the Court of District Judge, Fazilka for disposal in accordance with law. Learned District Judge, Fazilka 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 13.2.2019. Copies of orders be sent to the Court of Civil Judge (Jr. Division), Chandigarh as well as to the Court of District Judge, Fazilka for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 17, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No