

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

T.A. No. 267 of 2018

DATE OF DECISION :- March 06, 2019

Smt. Sangeeta

...Applicant

Versus

Jitender

...Respondent

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

Present:- Mr. Punit Malik, Advocate for the applicant.

Applicant Smt. Sangeeta, aged about 36 years, estranged wife of Jitender-respondent, presently residing with her parents at Village Rajli, Tehsil Barwala, District Hisar, on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13(1) (1-A) of the Hindu Marriage Act filed by her husband Jitender against her having title 'Jitender Vs. Smt. Sangeeta' pending in the Court of District Judge, Jind to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage performed between the parties did not work and she had to leave the matrimonial home and start residing with her parents at Village Rajli, Tehsil Barwala, District Hisar. She has filed a complaint under Protection of Women from Domestic Violence Act, 2005 besides one under Section 498A IPC in the Court of

JMIC at Hisar. As a pressure tactic her husband has filed divorce petition against her. She being a young woman, having no source of income, it is difficult for her to travel from her parental place to Jind covering a distance of 70 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Jind and transferred to Family Court at Hisar for disposal in accordance with law.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 3.4.2019. Copies of orders be sent to the Court of District Judge, Jind as well as to the Family Court at Hisar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 06, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No