

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

T.A. No. 302 of 2018

DATE OF DECISION :- February 22, 2019

Hanisha

...Applicant

Versus

Charanjit Angurala

...Respondent

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

Present:- Mr. Kartik Gupta, Advocate for the applicant.

Mr. A.K. Spehia, Advocate for the respondent.

As per report received from the Mediation and Conciliation Centre of this Court, the mediation has not proved to be successful. Let the case proceed further on merits.

Applicant Hanisha, aged about 32 years, estranged wife of Charanjit Angurala-respondent, presently residing separately from her husband on account of a matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Charanjit Angurala against her having title 'Charanjit Angurala Vs. Hanisha' pending in the Court of Additional Civil Judge (Sr. Divn.), Gurdaspur to the Court of competent jurisdiction at Hoshiarpur.

According to the applicant, the marriage was performed between the parties on 10.3.2013. Thereafter the spouses started residing together and

were blessed with a daughter on 18.6.2014. Since the marriage ran into rough weather, the applicant along with minor daughter of the parties had to leave the matrimonial home. She is residing in a rented accommodation along with daughter of the parties at Village Mahilpur, District Hoshiarpur separate from her parents since she is working as a Science Mistress in Government Senior Secondary School, Rampur Jhanjowal, Mahilpur. Her old aged parents are dependent upon her for their livelihood; that the respondent has filed the petition against her as a pressure tactic. It is difficult for her to travel from the place of posting to Gurdaspur to attend the dates of hearing in the Court there covering a distance of 105 kms on one side; that she has submitted a complaint under Section 498-A and 406 IPC against the respondent to Women cell, Hoshiarpur. Further more, the respondent is also posted at Hoshiarpur. The minor daughter is also studying in a School at Mahilpur, District Hoshiarpur, therefore, the application be accepted.

Notice of the application was given to the respondent, who put in appearance through his counsel and is opposing the application vehemently praying for its dismissal.

I have heard learned counsel for the parties 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 Additional Civil Judge (Sr. Divn.), Gurdaspur and transferred to Family Court at Hoshiarpur 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 Additional Civil Judge (Sr. Divn.), Gurdaspur as well as to the Family Court at Hoshiarpur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 22, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No