

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

TA-338-2018 (O&M)

Date of decision: 13.02.2019

Kavita

...Applicant

Versus

Vikas

...Respondent

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

Present: Mr. D.S. Nain, Advocate
for the applicant.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Kavita, aged about 26 years, estranged wife of respondent Vikas, presently residing with her parents at Village Budha Kehra, District Kaithal, on account of a matrimonial discord between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her having title 'Vikas Vs. Kavita' pending in the Court of Addl. Civil Judge (Sr. Divn.), Kurukshetra to the Court of Addl. Civil Judge (Sr. Divn.), Kaithal.

According to the applicant, marriage performed between the spouses on 24.11.2015 did not work. The couple was not blessed with any child. On account of cruel treatment meted out by respondent and his family members, the applicant had to leave the matrimonial home and start residing with her parents. The respondent has filed a petition under Section 9 of the Hindu Marriage Act as a pressure tactics. The applicant being a young woman having no source of income, it is difficult for her to travel from her

parental place to Kurukshetra covering a distance of 75 kms on one side. Further, she has got registered FIR for offences under Sections 406 and 498-A etc. of IPC against the respondent and his family members at Women Police Station Kaithal, besides filing a divorce petition against him which is pending in the Court of District Judge, Kaithal. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served but has not opted to appear and 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 The petition in question is ordered to be withdrawn from the Court of Addl. Civil Judge (Sr. Divn.), Kurukshetra and transferred to the Court of learned District Judge, Kaithal for disposal in accordance with law. Learned District Judge, Kaithal 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 13.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

13.02.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No