

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 366 of 2018 (O&M)

Date of decision : 8.1.2019

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Namita @ Nameeta

.....Applicant

vs.

Rajender

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Gopal Sharma, Advocate for the applicant.

Mr. Rajesh Bansal, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Namita @ Nameeta, aged about 25 years, has filed the instant application under Section 24 CPC, seeking transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Rajender vs. Namita' pending in the Court of District Judge, Rohtak, to a Court of competent jurisdiction at District Rewari.

According to the applicant, after her marriage with respondent which was solemnized on 1.3.2010, the spouses started residing together. The marriage was consummated. However they were not blessed with any child. The applicant has levelled

allegations of cruelty against the respondent and his family members, in connection with demand of dowry, stating that for that very reason the applicant had to leave the matrimonial home and start residing with her parents at village Sangwari, Tehsil and District Rewari. She filed a petition under Section 125 Cr.P.C. against her husband in the Court at Rewari, besides filing an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, in Court there and she has submitted a complaint to SP Rewari against respondent and his family members, and FIR has since been registered on the basis of that complaint. As a pressure tactics, respondent has filed a divorce petition against her in the Court at Rohtak. She being a woman, having no source of income and her father being an old poor person, it is difficult for her to travel from her parental village in Sangwari, Tehsil and District Rewari to Rohtak, covering a distance of almost 95 kms on one side, to attend the dates of hearing in Court at Rohtak. Therefore, the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel.

The contentions in the application are being strongly refuted opposed by the counsel for the respondent, stating that no ground whatsoever, is made for transfer of the divorce petition.

I have heard learned counsel for the parties besides going through the record.

Keeping in view the fact that the applicant is a young woman, residing with her parents and is stated to have financial

constraints, it would be difficult for her to travel from her parental village to Rohtak, covering a distance of 95 kms on one side to attend the dates of hearing in Court at Rohtak. Furthermore, two more cases between the parties are stated to be pending in Courts at Rewari. Therefore, I find that ends of justice demand that the application should be accepted.

Accordingly, the application is accepted. The petition in question pending in the court of District Judge, Rohtak, is withdrawn from that Court and transferred to the Family Court, Rewari, for disposal in accordance with law. Parties through counsel are directed to appear there on 6.2.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

8.1.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No