

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

T.A. No. 371 of 2018

DATE OF DECISION :- January 08, 2019

Ekta Nagpal

...Applicant

Versus

Yashveen Kumar

...Respondent

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

Present:- Mr. Manik Makkar, Advocate
for Mr. Mohit Sadana, Advocate for the applicant.

Mr. R.S. Sekhon, Advocate for the respondent.

Applicant Ekta Nagpal, estranged wife of Yashveen Kumar-respondent has filed the instant application seeking transfer of Petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Yashveen Kumar against her having title 'Yashveen Kumar Vs. Ekta Nagpal' pending in the Court of Additional Civil Judge (Sr. Divn.), Ferozepur to the Court of competent jurisdiction at Gurugram.

Interalia in the application it is contended by the applicant that she is aged about 23 years and is to take care of infant child of four months; that she does not have any source of income and has rather filed an application under Section 125 Cr.P.C. against her husband-the respondent

seeking maintenance. Under the circumstances, it is difficult for her to travel from Gurugram where she is residing with her parents to Ferozepur Cantt. covering a distance of about 470 kms on one side to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel.

At the instance of both the parties, the matter was referred to Mediation Centre at Gurugram. However, as per report received from the Mediation Centre, since none of the parties appeared there as such efforts for amicable settlement could not be made. Respondent is opposing the application contending that personal appearance of the applicant is not required in the petition under Section 9 of the Hindu Marriage Act and she can be represented through counsel there, therefore, the application be dismissed.

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

I find that keeping in view the facts and circumstances of the case, the application calls for acceptance, the same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.), Ferozepur and transferred to Family Court, Gurugram for disposal in accordance with law. The Family Court, Gurugram 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 5.2.2019. Copies of orders be sent to the Court of

Additional Civil Judge (Sr. Divn.), Ferozepur as well as to the Family Court, Gurugram for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 08, 2019
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No