

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TANo. 419 of 2018 (O&M)

Date of decision : 17.5.2019

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Kavita

.....Applicant

vs.

Sandeep

.....Respondent

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

Present: Mr. Surinder Gandhi, Advocate for the applicant

Mr. Yogesh Jain, Advocate for the respondent.

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**H. S. Madaan, J. (Oral)**

This is an application for transfer of petition under Section 9 of the Hindu Marriage Act, titled as 'Sandeep vs. Kavita', pending in the Court of District Judge (Family Court), Sonapat to District Judge (Family Court), Rohtak, has been filed by applicant Kavita, aged about 36 years, against her husband Sandeep.

According to the applicant, she was married with respondent and thereafter, they started residing together. The marriage was consummated. The couple was blessed with two children and who are major. On account of harassment and maltreatment, meted out to her she was turned out of the matrimonial home and she had no other

place to go except house of her parents at Rohtak. She does not have any source of income. Her husband has filed the petition in question against her before District Judge (Family Court), Sonapat. It is difficult for her to commute from Rohtak to Sonapat, to attend the dates of hearing in Court there. Therefore, the application be accepted.

On notice, the respondent appeared through counsel and filed written statement contesting the assertions contending that the applicant is of quarrelsome nature and she had been leaving the matrimonial home without consent/knowledge of respondent. For the last time when she left the matrimonial home on 4.3.2018, the respondent alongwith his father, mother and Jija, went to the house of applicant to bring her back, then the applicant and family members insulted and gave beatings to them and the applicant flatly refused to live with the respondent. The respondent prayed for dismissal of the application.

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

It may be mentioned here that in order to resolve the dispute between the parties they were called to the Court alongwith their children and the matter was referred to Mediation. However, the proceedings in Mediation could not progress on account of repeated absence of the applicant. Such conduct of the applicant shows that she has little respect for the order passed by the Court and furthermore, children of the parties are stated to be residing at

Chandigarh alongwith their grandfather. The respondent has come up with the version that the applicant is a quarrelsome woman who had been leaving the matrimonial home without giving any information quite frequently.

Under the circumstances, in my view, no case is made out for acceptance of the application. The same stands dismissed.

**17.5.2019**  
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**( H.S. Madaan )**  
**Judge**

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| Whether speaking / reasoned | Yes / No |
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| Whether reportable | Yes / No |
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