

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

TA-439-2018 (O&M)

Date of decision: 01.02.2019

Ashu Devi

...Applicant

Versus

Mukesh Kumar

...Respondent

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

Present: Mr. R.K. Chaudhary, Advocate for
Mr. Tejinder Pal Singh, Advocate
for the applicant.

Ms. Anjali Rani, Advocate for
Mr. Namit Khurana, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Ashu Devi, aged about 23 years wife of respondent Mukesh Kumar, presently residing with her parents at Karnal due to a matrimonial dispute with her husband Mukesh Kumar, by way of moving the present application is seeking transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her having title 'Mukesh Kumar Vs. Ashu Devi' pending before in the Court of Addl. Civil Judge (Sr. Divn.) Kaithal to the Court of competent jurisdiction at Karnal.

According to the applicant, marriage between the spouses which was solemnized on 23.03.2014 could not work and she had to leave the matrimonial home on account of cruel attitude of the respondent

with her. She was forced to come to her parental home. As a matter of fact, her father is not alive and she is being looked after by family of her paternal uncle. The respondent has filed the petition against her on account of financial constraints and being a young woman, it is difficult for her to go from Karnal to Kaithal covering a distance of about 65 kms on one side to attend the dates of hearing there. Furthermore, she has filed a petition for grant of maintenance under Section 125 Cr.P.C., against the respondent which is pending in Court at Karnal. Therefore, the present application be accepted.

The application is being resisted by the respondent tooth and nail stating that no ground of transfer is made out.

I have heard learned counsel for the parties besides going through the record and I find that keeping in view the contentions in the application which has been repeated by learned counsel for the applicant during arguments in absence of any strong reason to the contrary, ends of justice demands that application should be accepted. Accordingly, the same is allowed. The petition in question is ordered to be withdrawn from the Court of Addl. Civil Judge (Sr. Divn.) Kaithal and transferred to Family Court at Karnal for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 05.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

01.02.2019

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(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No