

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

T.A. No. 522 of 2018

DATE OF DECISION :- February 20, 2019

Manisha

...Applicant

Versus

Rishi Chawla

...Respondent

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

Present:- Mr. Ravi Sodhi, Advocate for the applicant.

Applicant Manisha, aged about 23 years, wife of Rishi Chawla-respondent, presently residing with her parents at Rohtak on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Rishi Chawla against her having title 'Rishi Chawla Vs. Manisha' pending in the Court of Additional District and Sessions Judge, Ludhiana to the Court of competent jurisdiction at Rohtak.

According to the applicant the marriage which was performed between the parties on 9.3.2015 did not work. The applicant gave birth to a male child namely Master Apoorva Chawla from the loins of respondent on 25.11.2015. The applicant along with the minor son had to leave the matrimonial home and start residing with her mother at Rohtak. The father of the applicant had already died. The respondent has filed a divorce petition against her in the Court at Ludhiana as a pressure tactic. The applicant, being a young woman, having no source of income, required to look after minor son of the parties aged about 2½ years as well as old ailing mother, it is difficult for

her to travel from Rohtak to Ludhiana covering a distance of 250 kms on one side. Further more the applicant has filed a petition under Section 125 Cr.P.C. and a petition under Domestic Violence Act in Courts at at Rohtak, therefore, the application be accepted.

Notice of the application was given to the respondent, who was served and appeared through counsel but subsequently counsel did not appear. There is no representation on behalf of the respondent even today.

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 The petition in question is ordered to be withdrawn from the Court of Additional District and Sessions Judge, Ludhiana and transferred to Family Court at Rohtak for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 18.3.2019. Copies of orders be sent to the Court of Additional District and Sessions Judge, Ludhiana as well as to the Family Court at Rohtak for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 20, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No