

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

T.A. No. 569 of 2018

DATE OF DECISION :- February 26, 2019

Nisha @ Mona

...Applicant

Versus

Dinesh Goyal

...Respondent

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

Present:- Mr. Vipin Sharma, Advocate
for Mr. Jagjeet Beniwal, Advocate for the applicant.

Applicant Nisha @ Mona, aged about 37 years, estranged wife of Dinesh Goyal-respondent, presently residing with her parents at Bhiwani by way of filing the instant application seeks transfer of divorce petition filed by her husband Dinesh Goyal against her having title 'Dinesh Goyal Vs. Nisha @ Mona' pending in the Court of Additional District Judge, Charkhi Dadri to the Court of competent jurisdiction at Bhiwani.

According to the applicant, the marriage performed between the parties on 8.6.2003 at Bhiwani ran into rough weather. Though the couple was blessed with two children i.e. son namely Somya Goyal and a daughter namely Priyanshi Goyal. The applicant had to leave the matrimonial home along with two minor children and start residing with her parents at

Bhiwani. The applicant has lodged an F.I.R. against the respondent and his family members for offences under Sections 498A, 406, 323, 506 IPC. Though after trial they have been acquitted, however, the revision against that judgment is pending. She has filed a petition under Section 125 Cr.P.C. against the respondent where maintenance was granted to her. She has filed an application under Section 12 of the Domestic Violence Act, 2005 against the respondent and his mother in the Court at Bhiwani. As a pressure tactic, the respondent has filed the divorce petition against the applicant which is pending before Additional District Judge, Charkhi Dadri. The applicant being a young woman, taking care of minor children of the parties, it is difficult for her to travel from Bhiwani to Charkhi Dadri covering a distance of 40 kms on one side to attend the dates of hearing there, more particularly when there is no adult male member in the family to accompany her, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served but he has not turned up to offer a contest.

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 Judge, Charkhi Dadri and transferred to Family Court at Bhiwani for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 26.3.2019. Copies of orders be sent to the Court of Additional District Judge, Charkhi Dadri as well as to the Family Court at Bhiwani for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 26, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No