

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

T.A. No. 623 of 2018

DATE OF DECISION :- January 15, 2019

Neeru

...Applicant

Versus

Ravi Chauhan

...Respondent

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

Present:- Mr. Nishant Arya, Advocate for the applicant.

Mr. J.K. Sehrawat, Advocate for the respondent.

Applicant Neeru, aged about 26 years wife of Ravi Chauhan-respondent, presently residing with her parents at Bhiwani, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Ravi Chauhan against her having title 'Ravi Chauhan Vs. Neeru' pending in the Court of District Judge, Family Court, Hisar to the Court of competent jurisdiction at Bhiwani.

According to the applicant, marriage between the parties was solemnized on 28.2.2011 at Bhiwani. After the marriage, she went to reside with the respondent in her matrimonial home at Hisar. The marriage was consummated and applicant gave birth to two children from loins of respondent i.e. a son namely Yash on 17.3.2012 and a daughter namely Arodhi on 26.10.2014. Initially everything went well as regards the

marriage, however, subsequently the respondent and his family members started taunting the applicant for having brought insufficient dowry raising demand of more dowry. She used to be given beatings even. The matter was reported to the police, however, a compromise was arrived at. The applicant along with minor daughter had to leave the matrimonial home and start residing with her parents at Bhiwani. The respondent has filed a divorce petition against her in the Court at Hisar. The applicant being a young illiterate woman, having no source of income required to take care of minor daughter of the parties. It is difficult for her to travel from Bhiwani to Hisar covering a distance of 70 kms on one side to attend the dates of hearing in the Court there. She has filed a petition for maintenance against the respondent, which is pending in the Court of District Judge, Family Court, Bhiwani. She has also filed a complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 pending before Chief Judicial Magistrate, Bhiwani, therefore, the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel. The application is being vehemently opposed contending that respondent is taking care of minor son of the parties and if divorce petition is transferred as prayed for by the applicant, the respondent would be put to trouble and harassment.

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

Considering the facts and circumstances of the case, I find that comparative inconvenience to the applicant shall be much more if the application is dismissed than if it is allowed and further 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 District Judge (Family Court), Hisar 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 11.2.2019. Copies of orders be sent to the Court of District Judge (Family Court), Hisar as well as to the Family Court at Bhiwani for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 15, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No