

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

T.A. No. 643 of 2018

DATE OF DECISION :- January 08, 2019

Sonia Bharti

...Applicant

Versus

Karoon Bharti

...Respondent

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

Present:- Mr. N.S. Dandiwal, Advocate for the applicant.

Mr. Mohit Aneja, Advocate for the respondent.

Applicant Sonia Bharti, aged about 32 years, presently residing with her parents at Moga by way of filing the instant application seeks transfer of Petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Karoon Bharti against her having title 'Karoon Bharti Vs. Sonia Bharti' pending in the Court of Civil Judge (Jr. Divn.), Ludhiana to District Judge/Family Court at Moga.

According to the applicant, the marriage between the parties did not work and she had to leave the matrimonial home and start residing with the parents. She gave birth to a male child namely Satvik Bharti Arora on 4.1.2013 from loins of respondent and that child is living with her. According to her, she had to leave the matrimonial home on account of maltreatment and cruelty by the respondent in connection with demand of more dowry. She has filed an application under Section 12 of the Protection of Women from Domestic Violence Act which is pending in the Court of Chief Judicial Magistrate, Moga. She has filed one more case i.e. an application under Section 125 Cr.P.C. for grant of maintenance against the respondent which is pending before Family Court, Moga, As a pressure tactic the respondent has brought a petition under section 9 of the Hindu Marriage Act

against her in the Court of Civil Judge (Jr. Divn.), Ludhiana. Keeping in view the fact that she is a young woman required to take care of a minor child, having no source of income, it is difficult for her to travel from Moga to Ludhiana covering a distance of 65 kms on one side to attend the dates of hearing in the Court at Ludhiana, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel. The application is being vehemently opposed contending that no justification is there to allow the same.

I have heard learned counsel for the parties 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 Civil Judge (Jr. Divn.), Ludhiana and transferred to Family Court at Moga for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 5.2.2019. Copies of orders be sent to the Court of Civil Judge (Jr. Divn.), Ludhiana as well as to the Family Court at Moga for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 08, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No