

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

T.A. No. 648 of 2018

DATE OF DECISION :- January 08, 2019

Babli

...Applicant

Versus

Kuldeep Singh and others

...Respondents

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

Present:- Mr. Satnam Singh Thakur, Advocate for the applicant.

Mr. Ashok K. Sharma, Advocate for respondent no. 1.

Applicant Babli, aged about 25 years, estranged wife of respondent no. 1 Kuldeep Singh has approached this Court by way of filing the instant application seeking transfer of divorce petition filed by her husband Kuldeep Singh-respondent No. 1 under Section 13 of the Hindu Marriage Act against her having title 'Kuldeep Singh Vs. Babli' pending in the Court of District Judge, Jind to the Court of competent jurisdiction at Bhiwani.

According to the applicant, she was married with respondent no. 1 on 25.11.2014. Thereafter, both the spouses started residing together. The marriage was consummated. She gave birth to a male child. However, the marriage between the spouses did not work and she along with her minor son were forced to leave the matrimonial home and start residing with her parents at Bhiwani. The respondent has filed a divorce petition against the applicant in the Court at Jind. Applicant being a young woman required to take care of minor son of the parties, without any source of income, it is difficult for her to

travel from Bhiwani to Jind covering a distance of 92 kms on one side to attend the dates of hearing in the Court there. Further more, she has filed a petition under Section 125 Cr.P.C. against her husband which is pending in the Court at Bhiwani, therefore, the application be accepted.

Notice of the application was given to the respondents. Respondent no. 1 has appeared 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Jind and transferred to Family Court at Bhiwani for disposal in accordance with law.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 5.2.2019. Copies of orders be sent to the Court of District Judge, Jind as well as to the Family Court at Bhiwani for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 08, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No