

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 655 of 2018 (O&M)

Date of decision : 15.1.2019

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Kavita Rani

.....Applicant

vs.

Pardeep Kumar

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ravinder Hooda, Advocate for the applicant.

Respondent in person.

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H. S. Madaan, J. (Oral)

Despite the matter has been referred to the Mediation Centre, the mediation has not proved to be successful for the reason that the petitioner did not appear there. Let the case proceed further on merits.

Applicant – Kavita Rani, aged about 31 years, estranged wife of Pardeep Kumar - respondent, presently residing with her parents at Rohtak, by way of filing the present application under Section 24 CPC, is seeking transfer of petition under Section 9 of Hindu Marriage Act, 1955, filed by her husband, against her, having title 'Pardeep Kumar vs. Smt. Kavita Rani' pending in the Court of District Judge, Family Court, Sonapat, to a Court of competent

jurisdiction at District Rohtak.

As per assertions in the application, the marriage solemnized between the parties on 10.12.2009, ran into rough weather on account of demand of dowry by respondent and his family members. The applicant had given birth to a female child namely, Kanishka, from the loins of respondent on 1.10.2010. The applicant is working as a TGT teacher. She alongwith minor daughter of the parties had to leave the matrimonial home on account of cruelty and maltreatment at the hands of respondent and his family members and start living with her parents at Rohtak. The respondent has filed a petition under Section 9 of the Hindu marriage Act, against her, which is pending before District Judge, Family Court, Sonapat. Being a young woman, taking care of minor child of the parties and being in Government service, it is difficult for her to travel from Rohtak to Sonapat, covering a distance to more than 50 kms on one side, to attend the dates of hearing at Sonapat, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance in person.

The matter was referred to Mediation Centre of this Court, but that has not proved to be successful.

The respondent is opposing the application contending that distance between Rohtak and Sonapat is about 30 kms only and the applicant is in Government service, however, he is doing a private service and as such applicant can very well appear in the Court at Sonapat, to attend the dates of hearing. Therefore the application be dismissed.

I have heard learned counsel for the applicant, respondent in person, besides through the record. Keeping in view the assertions in the application and submissions made by learned counsel for the applicant, without there being any strong circumstance to the contrary, I find that ends of justice demand that the application should be accepted.

Accordingly, the application is accepted. The petition in question pending in the court of District Judge, Family Court, Sonapat, is withdrawn from that Court and transferred to the Family Court, at Rohtak, for disposal in accordance with law. Parties through counsel are directed to appear there on 8.2.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

15.1.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No