

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

TA-668-2018 (O&M)
Date of decision: 22.04.2019

Manju Devi

...Applicant

Versus

Joginder

...Respondent

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

Present: Ms. Alisha Soni, Advocate for the applicant.

Mr. P.K. Rohilla, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Manju Devi, aged about 32 years, estranged wife of respondent Joginder, presently residing with her parents at Village Kaul, Tehsil Dhand, District Kaithal, on account of matrimonial discord between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her, having title 'Joginder Vs. Manju Devi' pending in the Court of District Judge, Family Court, Karnal to the Court of competent jurisdiction at Kaithal.

According to the applicant, the marriage solemnized between the parties on 06.03.2006 at Village Kaul, Tehsil Dhand, District Kaithal ran into rough weather. The couple was blessed with two children i.e. a daughter, namely, Baby Tamanna, aged about 11 years and a son, namely, Gurmeet, aged about 09 years; that on account of maltreatment meted out

to the applicant in connection with demand of dowry, she had to leave the matrimonial home and start residing with her parents at Village Kaul, Tehsil Dhand, District Kaithal; that she has filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent in the Court of JMIC, Kaithal. As a counter blast, the respondent has filed the petition in question against her in Court at Karnal. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Karnal, to attend the dates of hearing in the Court there, covering a distance of about 100 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who has put in appearance, refuting the allegations and submitting that the applicant herself has left the matrimonial home, leaving the minor children there and it is the respondent who is looking after the minor children of the parties. In case the present application is accepted, it would be very difficult for him to attend the dates of hearing in the transferee Court, when he has to take care of the minor children. He has prayed for dismissal of the application.

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

Keeping in view the fact that the minor children of the parties are being taken care of by the respondent and it would, indeed, be difficult for him to travel to Kaithal to attend the dates of hearing in the Court there. If the application is accepted, the balance of convenience is

obviously tilted in favour of the respondent than the applicant. Therefore,
no case is made out to allow the application. The same stands dismissed.

22.04.2019

sumit.k

(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No