

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

T.A. No. 679 of 2018

DATE OF DECISION :- February 20, 2019

Nidhi Sharma

...Applicant

Versus

Rohit Kumar

...Respondent

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

Present:- Mr. Rajeev Sharma, Advocate for the applicant.

Mr. Satbir Rathore, Advocate for the respondent.

Applicant Nidhi Sharma, aged about 31 years, estranged wife of Rohit Kumar-respondent, presently residing with her parents at Hoshiarpur on account of matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Section 13 1(i) (a) of the Hindu Marriage Act filed by her husband Rohit Kumar against her having title 'Rohit Kumar Vs. Nidhi Sharma' pending in the Court of District Judge (Family Court) at Gurugram to the Court of competent jurisdiction at Hoshiarpur.

According to the applicant, the marriage, which was performed between the parties on 6.11.2013 ran into rough weather. The applicant gave birth to a female child from the loins of respondent on 27.8.2014. On account of demand of dowry and cruel treatment given to her at the hands of respondent and his family members, she along with minor daughter had to leave the matrimonial home and start residing with her parents at Hoshiarpur. The respondent has filed a divorce petition against her as a pressure tactic. The

applicant, being a young woman, having no source of income, required to look after minor daughter of the parties, it is difficult for her to travel from Hoshiarpur to Gurugram covering a distance of 490 kms on one side. The applicant has filed a criminal complaint under Sections 498A and 406 IPC in the Court at Mukerian, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel. The application is being opposed vehemently.

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 The petition in question is ordered to be withdrawn from the Court of District Judge (Family Court) at Gurugram and transferred to Family Court at Hoshiarpur for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 18.3.2019. Copies of orders be sent to the Court of District Judge (Family Court) at Gurugram as well as to the Family Court at Hoshiarpur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 20, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No