

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

T.A. No. 716 of 2018

DATE OF DECISION :- February 08, 2019

Rasna

...Applicant

Versus

Malook Singh @ Mukul

...Respondent

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

Present:- Mr. Dinesh Maurya, Advocate
for Mr. G.S. Sandhu, Advocate for the applicant.

By way of filing the present application, applicant Rasna, aged about 25 years, wife of Malook Singh @ Mukul-respondent, presently putting up with her parents at Village Chand Samand, District Karnal, on account of marital dispute between the spouses seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Malook Singh @ Mukul against her having title 'Malook Singh @ Mukul Vs. Rasna' pending in the Court of Civil Judge (Sr. Divn.), Safidon, District Jind to the Court of competent jurisdiction at Indri, District Karnal.

According to the applicant, the marriage between the parties ran into rough weather. She was harassed and maltreated by the respondent and his family members. She was forced to leave the matrimonial home and start residing with her parents. She gave birth to a female child from the loins of respondent at her parental village but neither the respondent nor his family members came to see the newly born child. The respondent has filed a petition under Section 9 of the Hindu Marriage Act against the applicant on basis of false assertions just to harass the applicant. The applicant being a young

woman, having no source of income, it is difficult for her to travel from her parental place to Safidon, District Jind covering a distance of about 70 kms. The applicant has filed a complaint under Section 12 of Protection of Women from Domestic Violence Act against the respondent, which is pending in the Court at Indri, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but has not opted to offer a contest.

I have heard learned counsel for the applicant 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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Divn.), Safidon, District Jind and transferred to Family Court at Karnal for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 11.3.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Divn.), Safidon, District Jind as well as to the Family Court at Karnal for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 08, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No