

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

T.A. No. 782 of 2018

DATE OF DECISION :- March 13, 2019

Sonia Arora

...Applicant

Versus

Vijay Arora

...Respondent

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

Present:- Mr. Mandeep Kaushik, Advocate for the applicant.

Ms. Monika Singh, Advocate for the respondent.

Applicant Sonia Arora, aged about 29 years, estranged wife of Vijay Arora-respondent, presently residing with her parents at Ludhiana on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Vijay Arora against her having title 'Vijay Arora Vs. Sonia' pending in the Court of Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Ludhiana.

According to the applicant, the marriage which was solemnized between the parties on 1.3.2009, ran into rough weather though the couple was blessed with a female child namely Baby Hazal Arora on 3.1.2010. The respondent and his family members tried to kill the applicant by locking her in the kitchen and opening the gas cylinder, however, luckily the applicant

survived. The matter was reported to the police, where the respondent flatly refused to allow the applicant to remain in the matrimonial home. The applicant along with the minor daughter had no other place to go except the house of her parents at Ludhiana. She had filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 as well as petition under Section 125 Cr.P.C. against the respondent in the Courts at Ludhiana. Subsequently compromise had taken place between the parties vide which the respondent showed regrets for his behaviour and promised that he would not misbehave with the applicant in future, as such those petitions were withdrawn. The applicant returned to the matrimonial home but there was no improvement in the situation. The applicant was illegally confined in the house. The brother of applicant filed a writ petition in the High Court and then the local police got the applicant released from illegal custody of respondent and his family members. The applicant is living with her parents along with minor daughter. She has again filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 as well as under Section 125 Cr.P.C. in the Courts at Ludhiana. As a counter blast respondent has filed divorce petition against her. According to the applicant she being a young woman, taking care of minor daughter of the parties, having no source of income, it is difficult for her to travel from Ludhiana to Rohtak covering a distance of about 306 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent who has appeared through counsel. The application is being opposed vehemently rather it has been requested that if the divorce petition is to be transferred it

should be transferred to a place somewhere in between Rohtak and Ludhiana so that it is convenient for respondent to go to that place in connection with dates of hearing.

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 Principal Judge, Family Court, Rohtak and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 24.4.2019. Copies of orders be sent to the Court of Principal Judge, Family Court, Rohtak as well as to the Family Court at Ludhiana for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 13, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No