

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

T.A. No. 785 of 2018

DATE OF DECISION :- February 14, 2019

Komal

...Applicant

Versus

Monu

...Respondent

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

Present:- Mr. Vipul Aggarwal, Advocate for the applicant.

By way of filing the present application, applicant Komal, aged about 24 years, wife of Monu-respondent seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Monu against her having title 'Monu Vs. Komal' pending in the Court of Additional Civil Judge (Sr. Division), Patiala to the Court of competent jurisdiction at Chandigarh.

Interalia in the application it is contended that the marriage between the parties, which was performed on 7.3.2015 ran into rough weather on account of cruel treatment given to her by the respondent and his family members with the applicant in connection with demand of dowry. The applicant was forced to leave the matrimonial home. She had no other place to go except house of her parents at Chandigarh. The applicant has

filed a petition under Protection of Women from Domestic Violence Act, 2005 for grant of maintenance against the respondent, which is pending in the Court of Chief Judicial Magistrate, Chandigarh. As a counter blast respondent has filed petition under Section 9 of the Hindu Marriage Act, 1955 against the applicant which is pending in the Court of Additional Civil Judge (Sr. Divn.), Patiala. The applicant is a young woman having no source of income, it is difficult for her to travel from Chandigarh to Patiala to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through his counsel Mr. Naginder Singh Vashisht. He has placed on file his vakalatnama and is vehemently opposing the application.

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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Division), Patiala and transferred to the Court of District Judge, Chandigarh for disposal in accordance with law. Learned District Judge, Chandigarh may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 14.3.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Patiala as well as to the Court of

District Judge, Chandigarh for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 14, 2019
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No