

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

T.A. No. 796 of 2018

DATE OF DECISION :- February 14, 2019

Anita Devi

...Applicant

Versus

Kamal Kumar

...Respondent

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

Present:- Mr. R.D. Sharma, Advocate for the applicant.

Applicant Anita Devi, wife of Kamal Kumar-respondent, presently residing with her parents at Village Takhi, Tehsil and District Pathankot on account of strained relations between her and her husband Kamal Kumar-respondent by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Kamal Kumar against her having title 'Kamal Kumar Vs. Anita Devi' pending in the Court of Additional Civil Judge, Ajnala to the Court of competent jurisdiction at Pathankot.

According to applicant, she being a young woman, taking care of minor son of the parties, aged about 6 years, having no source of income, it is difficult for her to travel from Pathankot to Ajnala covering a distance of 140 kms on one side to attend the dates of hearing in the Court at Ajnala. She has filed petition under Section 125 Cr.P.C. for maintenance and divorce petition against the respondent which are pending before Family Court, Pathankot, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served through his counsel in the trial Court but has not turned up 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge, Ajnala and transferred to Family Court at Pathankot for disposal in accordance with law.

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, Ajnala as well as to the Family Court at Pathankot for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 14, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No