

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

T.A. No. 806 of 2018

DATE OF DECISION :- February 14, 2019

Manju

...Applicant

Versus

Jaivir

...Respondent

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

Present:- Mr. Kartar Singh, Advocate for the applicant.

Applicant Manju, wife of Jaivir-respondent, presently residing with her parents at Rohtak 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 Jaivir against her having title 'Jaivir Vs. Manju' pending in the Court of Additional District Judge, Jind to the Court of competent jurisdiction at Rohtak.

According to applicant, the marriage performed between the parties on 19.4.2014 ran into rough weather. The applicant had given birth to a son namely Master Samarth from the loins of respondent on 13.5.2015. The applicant along with the minor son of the parties is residing with her parents. She is not having any source of income and she has filed a petition under Section 125 Cr.P.C. against the respondent, which is pending at Family Court, Rohtak. The respondent has put in appearance there. The applicant has lodged an F.I.R. for offences under Sections 406, 498A IPC with Police Station Rohtak against the respondent and his family members

and they are facing trial in the Court. The applicant, not having any source of income and taking care of minor son of the parties, it is difficult for her to travel from Rohtak to Jind covering a distance of 60 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served through his brother but he 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 The petition in question is ordered to be withdrawn from the Court of Additional District Judge, Jind and transferred to Family Court at Rohtak for disposal in accordance with law.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 District Judge, Jind as well as to the Family Court at Rohtak for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 14, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No