

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

T.A. No. 812 of 2018

DATE OF DECISION :- February 06, 2019

Garima @ Sweety

...Applicant

Versus

Mandeep Kumar

...Respondent

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

Present:- Mr. Vinod Kumar, Advocate
for Mr. Jagjeet Beniwal, Advocate for the applicant.

By way of filing the instant application, applicant Garima @ Sweety, aged about 34 years, estranged wife of Mandeep Kumar-respondent, presently residing with her parents at Bhiwani on account of matrimonial discord with her husband seeks transfer of divorce petition filed by her husband Mandeep Kumar against her having title 'Mandeep Kumar Vs. Garima @ Sweety' pending in the Court of District Judge, Jhajjar to the Court of competent jurisdiction at Bhiwani.

According to the applicant, the marriage was performed between the parties on 8.2.2012 at Bhiwani. Thereafter the spouses started residing together. The applicant had given birth to a male child namely Lovish from the loins of respondent. On account of cruel treatment given to her by the respondent and his family members, she had to leave the matrimonial home along with minor son of the parties and start residing with her parents since then. The applicant has lodged an F.I.R. under Sections 498A, 406, 323, 342, 506, 34 IPC against the respondent and his family members with Police Station City Bhiwani. The son of parties have filed a maintenance petition in the Court at Bhiwani. As a pressure tactic, the respondent has filed the petition in

question against the present applicant. It is difficult for her to travel from Bhiwani to Jhajjar covering a distance of 65 kms to attend the dates of hearing there. The applicant, being a young woman, having no source of income, it is difficult for her to attend the dates of hearing, 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 did not appear and 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Jhajjar and transferred to Family Court at Bhiwani for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 8.3.2019. Copies of orders be sent to the Court of District Judge, Jhajjar as well as to the Family Court at Bhiwani for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 06 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No