

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

TA-817-2018 (O&M)

Date of decision: 16.07.2019

Pooja Rani

...Applicant

Versus

Satish

...Respondent

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

Present: Mr. Krishan Singh, Advocate for the applicant.

None for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 9 of the Hindu Marriage Act, titled 'Satish Vs. Pooja' pending in the Court of Civil Judge (Sr. Divn.) Sirsa to the Court of competent jurisdiction at Sonapat, has been filed by applicant Pooja Rani, aged about 27 years, estranged wife of respondent Satish, presently residing with her parents at Gohana, Tehsil Gohana, District Sonapat.

According to the applicant, the marriage solemnized between the spouses on 17.05.2009 did not work. The couple was not blessed with any child. The applicant was treated with cruelty by the respondent and his family members. As such, she was forced to leave the matrimonial home. She had no other place to go except the house of her parents. The applicant does not have any source of income. She has filed a petition under Protection of Women from Domestic Violence Act, 2005 against the respondent in the Court of SDJM, Gohana. She has also lodged an

FIR against the respondent, where the challan has been presented and the trial is going on against the respondent in Court at Gohana. In addition to that, she has also filed a petition under Section 125 Cr.P.C. against the respondent. Under the circumstances, it is difficult for the applicant to travel from her parental place to Sirsa to attend the dates of hearing in the Court there, covering a distance of about 200 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served and put in appearance through counsel. Subsequently, the counsel stopped appearing for the respondent.

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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Divn.) Sirsa and transferred to Family Court at Sonapat for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 19.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

16.07.2019

*sumit.k***(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No