

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

T.A. No. 838 of 2018

DATE OF DECISION :- February 21, 2019

Priyanka

...Applicant

Versus

Harpal

...Respondent

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

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

Applicant Priyanka, wife of Harpal-respondent, presently residing with her parents at Rohtak on account of a matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Harpal against her having title 'Harpal Vs. Priyanka' pending in the Court of Civil Judge (Sr. Divn.), Kaithal to the Court of competent jurisdiction at Rohtak.

According to the applicant, the marriage between the parties performed on 05.11.2011 at Rohtak did not work. However, the couple was blessed with a daughter namely khushboo born on 21.1.2015. The applicant had to leave the matrimonial home and start residing with her parents at Rohtak. Since she has no source of income, she has filed a petition under Section 125 Cr.P.C. against her husband besides a complaint under Section 12 of the Domestic Violence Act in the Courts at Rohtak. As a pressure tactic, the respondent has filed petition in question against her. The applicant being a young woman, taking care of minor daughter of the

parties, having no source of income, it is difficult for her to travel from Rohtak to Kaithal covering a distance of 120 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served 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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Divn.), Kaithal 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 20.3.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Divn.), Kaithal as well as to the Family Court at Rohtak for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 21, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No