

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

T.A. No. 849 of 2018

DATE OF DECISION :- February 06, 2019

Sarla Devi

...Applicant

Versus

Manjeet

...Respondent

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

Present:- Mrs. Pratibha Yadav, Advocate for the applicant.

By way of filing the instant application, applicant Sarla Devi, aged about 33 years, estranged wife of Manjeet-respondent, presently residing with her parents at village Pathredi, Tehsil Manesar, District Gurugram on account of matrimonial discord with her husband seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Manjeet against her having title 'Manjeet Vs. Sarla Devi' pending in the Court of Additional Civil Judge (Sr. Divn.), Jhajjar to the Court of competent jurisdiction at Gurugram.

According to the applicant, the marriage performed between the parties on 18.6.2014 did not work. The applicant had given birth to a female child from the loins of respondent on 28.4.2015, who was named as baby Paryas. On account of cruel treatment given to her by the respondent, she had to leave the matrimonial home along with minor daughter of the parties and start residing with her parents. She has filed a petition under Section 125 Cr.P.C. against the respondent seeking maintenance, which is pending before Principal Judge, Family Court, Gurugram. She has also initiated proceedings

for registration of F.I.R. for offences under Sections 498A and 506 IPC against the respondent which are pending. As a pressure tactic, the respondent has filed the petition in question. It is difficult for her to travel from her parental place to Jhajjar covering a distance of 80 kms. She has to take care of minor daughter of the parties. She does not have any source of income and further more two cases are already pending at Gurugram, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served but did not appear.

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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.), Jhajjar and transferred to Family Court at Gurugram 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 Additional Civil Judge (Sr. Divn.), Jhajjar as well as to the Family Court at Gurugram for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 06 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No