

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

T.A. No. 863 of 2018

DATE OF DECISION :- March 12, 2019

Ekta

...Applicant

Versus

Amit Kumar

...Respondent

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

Present:- Mr. Gurmeet Singh Guri, Advocate for the applicant.

By way of filing the present application, applicant Ekta, aged about 23 years, estranged wife of Amit Kumar-respondent presently residing with her parents at Ludhiana, on account of differences between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Amit Kumar against her having title 'Amit Kumar Vs. Ekta' pending in the Court of Civil Judge (Sr. Divn.)-cum-Additional Chief Judicial Magistrate, Jagadhri to the Court of competent jurisdiction at Ludhiana.

According to the applicant, the marriage between the parties was culmination of a love affair which was solemnized on 2.3.2017. After the marriage the applicant was harassed and maltreated by respondent and his family members on account of demand of dowry. They even tried to give poison to the applicant. Under the circumstances, the applicant was forced to leave the matrimonial home. Presently she is residing with her parents at Ludhiana. She had given birth to a male child namely Adarsh on 16.4.2018 at her parental place. She is taking care of minor child. She has filed petition under the provisions of Sections 12, 17, 18, 19, 20, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members in the Court at Ludhiana. The respondent as a pressure tactic has filed divorce petition against her which is pending before

Civil Judge (Sr. Divn.)-cum-Additional Chief Judicial Magistrate, Jagadhri. The applicant being a young woman, taking care of minor son of the parties, having no source of income, it is difficult for her to travel from her parental place to Jagadhari covering a distance of about 166 kms so as to attend the dates of hearing there, as such 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.)-cum-Additional Chief Judicial Magistrate, Jagadhri and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 23.4.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Divn.)-cum-Additional Chief Judicial Magistrate, Jagadhri as well as to the Family Court at Ludhiana for information and necessary compliance.

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

March 12, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No