

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

T.A. No. 884 of 2018

DATE OF DECISION :- March 12, 2019

Heena Rani

...Applicant

Versus

Yogesh Kumar

...Respondent

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

Present:- Mr. Rajesh Malik, Advocate
for Mr. Sandeep Singh, Advocate for the applicant.

By way of filing the present application, applicant Heena Rani, aged about 27 years, estranged wife of Yogesh Kumar-respondent presently residing with her parents at Village Badshahpur, District Gurugram, on account of matrimonial discord between the spouses seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Yogesh Kumar against her having title 'Yogesh Kumar Vs. Heena Rani' pending in the Court of Additional District Judge, Rewari to the Court of competent jurisdiction at Gurugram.

According to the applicant, the marriage between the parties performed on 24.11.2009 ran into rough weather. Though the couple was blessed with two children i.e. daughter namely Chahak born on 20.4.2012

and a son Master Yuvan born on 20.6.2016. The applicant had to leave the matrimonial home along with two minor children and start residing with her parents on account of cruel treatment meted out by the respondent and his family members. The applicant has filed petition under Section 125 Cr.P.C. for grant of maintenance for her and two minor children against the respondent in the Court at Gurugram. She has also filed petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which is pending in the Court at Gurugram. She has also lodged an F.I.R. No. 406 dated 1.9.2016 against the respondent with Police Station Badshahpur, Gurugram. Now the respondent as a pressure tactic has filed divorce petition against her. The applicant being a young woman, taking care of two minor children of the parties, having no source of income, it is difficult for her to travel from her parental place to Rewari 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 Additional District Judge, Rewari 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 23.4.2019. Copies of orders be sent to the Court of Additional District Judge, Rewari as well as to the Family Court at Gurugram for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 12, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No