

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

TA-911-2018 (O&M)

Date of decision: 04.02.2019

Pooja

...Applicant

Versus

Rakesh Jindal

...Respondent

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

Present: Mr. Rajiv Gaur, Advocate
for the applicant.

Mr. Nonish Kumar, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Pooja, aged about 30 years wife of respondent Rakesh Jindal, presently residing with her mother at Ladwa, District Kurukshetra on account of a matrimonial discord with her husband has filed the present application seeking transfer of divorce petition filed by her husband, the respondent against her having title 'Rakesh Jindal Vs. Pooja' pending before Principal District Judge, Family Court, Karnal to the Court of competent jurisdiction at Kurukshetra.

According to the applicant, marriage performed between the spouses on 28.10.2012 did not work. Applicant had given birth to a female child, namely, baby Kavya from the loins of the respondent on 26.09.2013. On account of maltreatment meted out to her by the respondent and his family members, the applicant along with minor

daughter of the parties had to leave the matrimonial home and start residing with her mother at Ladwa. She has lodged an FIR under Sections 323, 406 and 498-A of IPC with Police Station Ladwa against the respondent and his family members. She has also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent which is pending in the Court of JMIC, Kurukshetra. As a counter blast, the respondent has filed divorce petition against her which is pending before the family Court at Karnal. Being a young woman without there being any adult male member in her family to accompany her, taking care of minor daughter of the parties, without having any source of income, it is difficult for her to travel from Ladwa to Karnal covering a distance of about 40 kms on one side to attend the dates of hearing in Court at Karnal. Therefore, the present application be accepted.

The application is being resisted by the respondent by stating that there is direct bus service between Ladwa and Karnal and the applicant can very well travel from Ladwa to Karnal to attend the dates of hearing and no ground is there to allow the application.

I have heard learned counsel for the parties 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 Principal District Judge, Family Court, Karnal and transferred to Family Court at Kurukshetra for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 07.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

04.02.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No