

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

**T.A. No. 936 of 2018**

**DATE OF DECISION :- February 20, 2019**

**Rimpi**

**...Applicant**

**Versus**

**Sandeep Kumar**

**...Respondent**

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

**Present:-** Ms. Kamlesh, Advocate  
for Mr. Parminder Singh, Advocate for the applicant.

Mr. Inderjeet Singh, Advocate for the respondent.

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Applicant Rimpi, aged about 27 years, wife of Sandeep Kumar-respondent, presently residing with her parents at Village Khera Tehsil Indri, District Karnal by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Sandeep Kumar against her having title 'Sandeep Kumar Vs. Rimpi' pending in the Court of Additional District and Sessions Judge, Yamuna Nagar at Jagadhri to the Court of competent jurisdiction at Karnal.

According to the applicant, the marriage between the parties was performed on 15.6.2012. Thereafter they started residing together. The marriage was consummated and the applicant gave birth to a daughter from the loins of respondent on 1.4.2013. The marriage ran into rough weather due to cruel treatment given to the applicant at the hands of respondent and his family members in connection with demand of more dowry. Ultimately, she was turned out of the matrimonial home along with the minor daughter. She had no other place to go except house of her parents at Village Khera, Teshil Indri,

District Karnal. She has lodged an F.I.R. No. 234 dated 8.6.2016 for offences under Sections 406/498-A/323/506/34 IPC against the respondent at Police Station Indri, District Karnal. She has filed a petition under Section 125 Cr.P.C. against the respondent, which is pending before Family Court, Karnal. She has further instituted a complaint under the Domestic Violence Act before the Court of JMIC, Indri, District Karnal. As a pressure tactic, the respondent has filed a divorce petition against her. She being a young woman, taking care of minor daughter of the parties aged little more than 5 years, having no source of income, it is difficult for her to travel from her parental place to Yamuna Nagar at Jagadhri covering a distance of 55 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and filed written reply vehemently contesting the application praying for dismissal of the same.

Learned counsel for the applicant has reiterated the assertion in the application whereas learned counsel for the respondent has contended that respondent is ready to bear the travelling expenses of the applicant for coming to Yamuna Nagar at Jagadhri to attend the dates of hearing there. He has opposed the application and in support of his contention referred to the authorities 'Preeti Sharma versus Manjit Sharma 2005(11)SCC 535' and 'Anindita Das versus Srijit Das 2006(9) SCC 197' both by the Apex Court as well as judgment by a coordinate Bench of this Court in 'TA-126-2018 titled as 'Smt. Akvinder Kaur Versus Sh. Gurpreet Singh' decided on 15.11.2018.

After hearing learned counsel for the parties and going through the authorities, I find that due to the facts and circumstances of the case, ends of justice demand that the application should be accepted. Merely because the

respondent is making offer of bearing the travelling expenses of the applicant which has not been accepted on behalf of the applicant and that in view of the other facts that she has to take care of minor daughter of the parties and it is difficult for her to travel from her parental place to Yamuna Nagar at Jagadhri, the authorities do not come to rescue of the respondent. The application is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Additional District and Sessions Judge, Yamuna Nagar at Jagadhri and transferred to Family Court at Karnal for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 18.3.2019. Copies of orders be sent to the Court of Additional District and Sessions Judge, Yamuna Nagar at Jagadhri as well as to the Family Court at Karnal for information and necessary compliance.

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

**February 20, 2019**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No