

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

T.A. No. 938 of 2018

DATE OF DECISION :- November 01, 2019

Riya

...Applicant

Versus

Manoj Kumar

...Respondent

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

Present:- Mr. K.C. Rajput, Advocate for the applicant.

Applicant Riya, aged about 25 years, wife of Manoj Kumar-respondent, presently residing with her parents at Sonapat on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Manoj Kumar against her having title 'Manoj Kumar Vs. Riya' pending in the Court of Additional Civil Judge (Sr. Divn.), Kurukshetra to the Court of competent jurisdiction at Sonapat.

According to the applicant, the marriage performed between the parties on 27.2.2009 ran into rough weather though the couple was blessed with a son namely Garv on 17.10.2010. On account of harassment and maltreatment meted out to her, she had to leave the matrimonial home and start residing with her parents along with minor son of the parties at Sonapat. She does not have any source of income. She has lodged a criminal case against the respondent at Sonapat. The respondent has filed a petition under Section 9 of the Hindu Marriage Act against the applicant just to

cause harassment and inconvenience to her. Under the circumstances, it is difficult for her to travel from Sonapat to Kurukshetra to attend the dates of hearing in the Court there, therefore, 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.), Kurukshetra and transferred to Family Court at Sonipat for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 2.12.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Kurukshetra as well as to the Family Court at Sonipat for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 01, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No