

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

T.A. No. 946 of 2018

DATE OF DECISION :- February 11, 2019

Davinder Sharma

...Applicant

Versus

Rakesh Kumar

...Respondent

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

Present:- Mr. Ashish Gupta, Advocate for the applicant.

By way of filing the present application, applicant Davinder Sharma, aged about 28 years, estranged wife of Rakesh Kumar-respondent, presently residing with her parents at Zira, District Ferozepur on account of differences between the spouses seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Rakesh Kumar against her having title 'Rakesh Kumar Vs. Davinder Sharma' pending in the Court of District and Sessions Judge, Bathinda to the Court of competent jurisdiction at Ferozepur.

Inter alia in the application it is contended that the marriage between the parties was performed on 22.2.2009 at Zira. Thereafter the spouses started residing together as husband and wife at Goniana Mandi. They were blessed with a male child namely master Akshit Sharma, aged about 8 years at the time of filing of the application; that applicant was treated with cruelty by the respondent and his family members on account of demand of dowry and ultimately she along with minor son was turned out of the matrimonial home. She has no other place to live except house of her parents. The respondent has filed a divorce petition against her as a pressure tactic. 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 Zira to Bathinda covering a distance of about 90 kms so as to attend the dates of hearing there. The applicant has filed a petition under Section 125 Cr.P.C. against the respondent which is pending at Zira, 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 has not opted 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 The petition in question is ordered to be withdrawn from the Court of District and Sessions Judge, Bathinda and transferred to the Court of District Judge, Ferozepur for disposal in accordance with law. Learned District Judge, Ferozepur may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 12.3.2019. Copies of orders be sent to the Court of District and Sessions Judge, Bathinda as well as to the Court of District Judge, Ferozepur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 11, 2019

p.singh

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No