

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

T.A. No. 988 of 2018

DATE OF DECISION :- March 13, 2019

Monika Rani

...Applicant

Versus

Rajiv

...Respondent

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

Present:- Mr. Mohit Garg, Advocate for the applicant.

Applicant Monika Rani, aged about 30 years, estranged wife of Rajiv-respondent, presently residing with her parents at Hisar 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 Rajiv against her having title 'Rajiv Vs. Monika Rani' pending in the Court of District Judge, Sirsa to the Court of competent jurisdiction at Hisar.

According the applicant, the marriage performed between the parties on 18.4.2018 did not work on account of demand of dowry raised by respondent-husband. The respondent had been treating the applicant with cruelty. He has got illicit relations with a woman with whom he is putting up in live-in-relationship. As a result, the applicant had to leave the matrimonial home and start residing with her parents at Hisar. She has filed a petition under Section 125 Cr.P.C. against the respondent. In addition to that she had filed petition under various provisions of Protection of Women

from Domestic Violence Act, 2005. Both the cases are pending in the Courts at Hisar. As a counter blast the respondent-husband has filed the petition in question. The applicant being a young woman, having no source of income, it is difficult for her to travel from Hisar to Sirsa 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Sirsa and transferred to Family Court at Hisar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 24.4.2019. Copies of orders be sent to the Court of District Judge, Sirsa as well as to the Family Court at Hisar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 13, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No