

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

TA-1946-2018 (O&M)
Date of decision: 05.09.2019

Parvati

...Applicant

Versus

Hans Raj

...Respondent

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

Present: Mr. R.K. Dadwal, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 9 of the Hindu Marriage Act, titled 'Hans Raj Vs. Parvati' pending in the Court of Addl. Civil Judge (Sr. Divn.), Panchkula to the Court of competent jurisdiction at Hoshiarpur, has been filed by applicant Parvati, aged about 23 years, estranged wife of respondent Hans Raj, presently residing with her parents at Hoshiarpur, due to differences between the spouses.

According to the applicant, she got married with the respondent on 05.11.2011 at Hoshiarpur. Thereafter, they started residing together. The marriage was consummated, however, the couple was not blessed with any child. On account of frequent demands of dowry raised by the respondent and his family members from the applicant, which she could not get fulfilled to their satisfaction, she was harassed, maltreated, dealt with cruelty and ultimately, she was forced to leave the matrimonial home and start residing with her parents at Hoshiarpur. She does not have any source of income and is dependent upon her parents for meeting

her financial needs. She has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Hoshiarpur. The respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Panchkula, to attend the dates of hearing in the Court there, covering a distance of about 160 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served but did not appear 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 The petition in question is ordered to be withdrawn from the Court of Addl. Civil Judge (Sr. Divn.), Panchkula and transferred to Family Court at Hoshiarpur for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 16.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

05.09.2019

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

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No