

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

TA-1948-2018 (O&M)

Date of decision: 05.09.2019

Tarwati @ Tara Banti

...Applicant

Versus

Prem

...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 'Prem Vs. Tarwati' pending in the Court of Addl. Civil Judge (Sr. Divn.), Panchkula to the Court of competent jurisdiction at Hoshiarpur, has been filed by applicant Tarwati @ Tara Banti, aged about 27 years, estranged wife of respondent Prem, presently residing with her parents at Hoshiarpur, due to differences between the spouses.

According to the applicant, the marriage solemnized between the spouses on 05.11.2011 at Hoshiarpur did not work properly, though, the couple was blessed with two daughters, namely, Rekha and Mamta, born on 16.03.2013 and 18.04.2015 respectively. 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 and dealt with cruelty. On 15.02.2017, the applicant was turned out of the matrimonial home in three wearing

clothes. She had no other place to go except the house of her parents at Hoshiarpur, where she is putting up along with two minor daughters of the parties presently. She does not have any source of income and is dependent upon her parents for meeting her financial needs and those of minor daughters of the parties. 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 and trouble her. The applicant being a young woman, having no source of income, taking care of two minor daughters of the parties, 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 170 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

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No