

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

**T.A. No. 8987 of 2018**

**DATE OF DECISION :- March 05, 2019**

**Sonia**

**...Applicant**

**Versus**

**Vinod**

**...Respondent**

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

**Present:-** Mr. Ranjivan Singh, Advocate for the applicant.

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By way of filing the present application, applicant Sonia, aged about 33 years, estranged wife of Vinod-respondent seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Vinod against her having title 'Vinod Vs. Sonia' pending in the Court of District Judge, Jind to the Court of competent jurisdiction at Mohali.

Interalia in the application it is contended that the marriage between the parties performed on 6.9.2011 ran into rough weather on account of demand of dowry by the respondent and his family members. The respondent was unemployed and was not willing to do any work. The couple was blessed with a daughter. The applicant along with minor daughter of the parties had to leave the matrimonial home and start residing with her parents at Mohali. The respondent with malafide intention had

lodged a complaint against her with the police but then did not pursue the matter. The applicant has also submitted a complaint against the respondent and his family members on the basis of which formal F.I.R. for offences under Section 406, 498A IPC was registered with Police Station, Phase 8, Mohali. The challan has been presented and trial is going on. As a counter blast, the respondent has filed a petition against the applicant. Earlier also he had filed a similar petition. The applicant had sought transfer of same but since the divorce petition was withdrawn, the application was rendered infructuous. For the second time, he has filed divorce petition concealing the factum of filing of similar petition earlier also. According to the applicant, she being a young woman, having no source of income, looking after minor daughter of the parties, aged about six years, it is difficult for her to travel from Mohali to Jind covering a distance of about more than 200 kms so as to attend the dates of hearing there, 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 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, Jind and transferred to the Court of District Judge,

S.A.S.Nagar, Mohali for disposal in accordance with law. Learned District Judge, S.A.S.Nagar, Mohali 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 2.4.2019. Copies of orders be sent to the Court of District Judge, Jind as well as to the Court of District Judge, S.A.S.Nagar, Mohali for information and necessary compliance.

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

**March 05, 2019**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No