

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

T.A. No. 8993 of 2018

DATE OF DECISION :- March 06, 2019

Meena Devi

...Applicant

Versus

Akshay

...Respondent

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

Present:- Mr. S.K. Kagsar, Advocate for the applicant.

Applicant Meena Devi, aged about 25 years, wife of Akshay-respondent, presently residing with her parents at Village Sanghan, Tehsil and District Kaithal 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 Akshay against her having title 'Akshay Vs. Meena Devi' pending in the Court of District Judge (Family Court), Karnal to the Court of competent jurisdiction at Kaithal.

According to the applicant, the marriage performed between the parties on 28.4.2017 ran into rough weather on account of maltreatment and harassment meted out to the applicant by the respondent and his family members in connection with demand of dowry. The respondent and his family members got pregnancy of applicant aborted twice and applicant had informed the police in that regard. The applicant was forced to leave the matrimonial home while she was in the family way. She is residing with her parents at Village Sanghan, Tehsil and District Kaithal. As a pressure tactic, the respondent has filed petition under Section 9 of the Hindu Marriage Act against her. The applicant had given birth to a male child about two months

earlier. She 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 her parental place to Karnal covering a distance of 85 kms on one side, 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 The petition in question is ordered to be withdrawn from the Court of District Judge (Family Court), Karnal and transferred to District Judge, Kaithal for disposal in accordance with law. Learned District Judge, Kaithal 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 3.4.2019. Copies of orders be sent to the Court of District Judge (Family Court), Karnal as well as to the District Judge, Kaithal for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 06, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No