

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

T.A. No. 1148 of 2018

DATE OF DECISION :- February 21, 2019

Santosh

...Applicant

Versus

Sonu

...Respondent

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

Present:- Mr. Dinesh Maurya, Advocate for the applicant.

Applicant Santosh, wife of Sonu-respondent, presently residing with her parents at Karnal on account of a matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Sonu against her having title 'Sonu Vs. Santosh' pending in the Court of Additional District Judge, Panipat to the Court of competent jurisdiction at Karnal.

According to the applicant, the marriage between the parties was performed on 19.11.2011. Thereafter they started residing together as husband and wife at Panipat. The marriage was consummated and applicant gave birth to two daughters from the loins of respondent aged about 4 years and 1 year at the time of filing of the application. Since the marriage ran into rough weather, applicant along with two daughters had to leave the matrimonial home and start residing with her parents at Karnal. Her husband has filed a divorce petition against her which is pending in the Court of Additional District Judge, Panipat. The applicant being a young

woman of 29 years, taking care of two minor daughters of the parties, having no source of income, is difficult for her to travel from Karnal to Panipat covering a distance of 40 kms on one side. Two more cases filed by the applicant against the respondent are pending in the court at Karnal, 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 The petition in question is ordered to be withdrawn from the Court of Additional District Judge, Panipat and transferred to Family Court at Karnal for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 18.3.2019. Copies of orders be sent to the Court of Additional District Judge, Panipat as well as to the Family Court at Karnal for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 21, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No