

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

T.A. No. 707 of 2018

DATE OF DECISION :- March 12, 2019

Mamta

...Applicant

Versus

Ravi

...Respondent

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

Present:- Mr. Amardeep Hooda, Advocate for the applicant.

By way of filing the present application, applicant Mamta, aged about 28 years, estranged wife of Ravi-respondent presently residing with her parents at Village Rohna, Tehsil Kharkhoda, District Sonapat, on account of differences between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Ravi against her having title 'Ravi Vs. Mamta' pending in the Court of District Judge, Gurugram to the Court of competent jurisdiction at Sonapat.

According to the applicant, the marriage between the parties performed on 27.11.2015 did not work on account of demand of dowry by the respondent and his family members. The couple was blessed with a male child namely Master Pratik born on 27.10.2016. On account of cruel treatment meted out to the applicant by the respondent and his family members, the applicant along with the minor child had to leave the matrimonial home and start residing with her parents at Village Rohna, Tehsil Kharkhoda, District Sonapat. Now the respondent as a pressure tactic has filed divorce petition against her. The applicant is 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 Gurugram covering a distance of about 70 kms as to attend the dates of hearing there. Further more, she has filed a petition under Sections 12, 17, 18 and 19 of the Protection of Women from Domestic Violence Act, 2005 before Family Court at Sonapat against the respondent besides a petition under Section 125 Cr.P.C. in the Court at JMIC, Kharkhoda, 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Gurugram and transferred to Family Court at Sonapat for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 23.4.2019. Copies of orders be sent to the Court of District Judge, Gurugram as well as to the Family Court at Sonapat for information and necessary compliance.

(H.S. MADAN)
JUDGE

March 12, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No