

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

T.A. No. 747 of 2018

DATE OF DECISION :- March 12, 2019

Divya

...Applicant

Versus

Gourav Rajpal

...Respondent

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

Present:- Mr. Kushagra Mahajan, Advocate for the applicant.

Mr. H.S. Randhawa, Advocate for the respondent.

By way of filing the present application, applicant Divya, aged about 30 years, estranged wife of Gourav Rajpal-respondent presently residing with her parents at Rewari, on account of Matrimonial discord with the husband-the respondent seeks transfer of petition under Section 13 (1) (ia) (ib) of the Hindu Marriage Act, 1955 filed by her husband Gourav Rajpal against her having title 'Gourav Rajpal Vs. Divya' pending in the Court of Principal Judge, Family Court, Gurugram to the Court of competent jurisdiction at Rewari.

According to the applicant, the marriage between the parties solemnized on 9.12.2010 did not work on account of demand of dowry by respondent and his family members from the applicant, however, the couple was blessed with a female child namely Jiya born on 23.2.2012. The applicant along with the minor daughter had to leave the matrimonial home and start residing with her parents at Rewari. She has filed petition under Section 125 Cr.P.C. against the respondent. She has also lodged F.I.R. No.

376 dated 25.10.2012. Those proceedings are pending at Rewari. The applicant 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 Gurugram to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through his counsel. The application is being opposed vehemently.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the respondent has contended that the respondent has since been acquitted in the criminal case registered vide F.I.R. No. 376 dated 25.10.2012 and petition under Section 125 Cr.P.C. has since been finally disposed of, inasmuch as it has been allowed. He has further contended that there is video conferencing facility available and the applicant can appear in the Court using that facility. Her personal appearance in the Court on each and every date of hearing is not necessary there, therefore, the application be dismissed. Learned counsel for the respondent has requested that the transferee Court be directed to dispose of the petition expeditiously. Since expeditious trial is right of every litigant, it is hoped and expected that the trial Court would make earnest endeavor to dispose of the petition promptly.

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 Principal Judge, Family Court, Gurugram and transferred to Family Court at Rewari 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 Principal Judge, Family Court, Gurugram as well as to the Family Court at Rewari for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 12, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No