

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

T.A. No. 1110 of 2018

DATE OF DECISION :- January 16, 2019

Neha

...Applicant

Versus

Sandeep Kumar

...Respondent

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

Present:- Mr. Amandeep Vashisth, Advocate for the applicant.

Applicant Neha, aged about 28 years wife of Sandeep Kumar-respondent, presently residing with her parents at Aadarsh Nagar Camp, Jagadhari, Yamunanagar by way of filing the instant application seeks transfer of petition under Section 13(1)(ia) of the Hindu Marriage Act filed by her husband Sandeep Kumar against her having title 'Sandeep Kumar Vs. Neha' pending before District Judge, Family Court, Faridabad to the Court of competent jurisdiction at Yamunanagar.

Interalia in the application it is contended that marriage between the parties was solemnized on 11.11.2016. Thereafter the spouses started residing together. The marriage was consummated and applicant gave birth to a male child from loins of respondent on 1.11.2018. Due to cruelty perpetrated upon the applicant in connection with demand of dowry, she had to leave the matrimonial home and start residing with her parents

while she was in the family way. The respondent has filed a divorce petition against her. She being a young woman, required to take care of infant son of the parties, aged about two months only having financial constraints, it is difficult for her to travel from Yamunanagar to Faridabad covering a distance of 250 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 served but has not opted 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Family Court, Faridabad and transferred to Family Court at Yamunanagar at Jagadhari for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 12.2.2019. Copies of orders be sent to the Court of District Judge, Family Court, Faridabad as well as to the Family Court at Yamunanagar at Jagadhari for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 16, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No