

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

**TA No. 39 of 2020
Date of decision: 08.07.2022**

Sonia

...Applicant

Versus

Ashwani

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurpreet Singh, Advocate for
Mr. Rakesh Sharma, ADvocate
for the applicant.

None for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this application is for transfer of petition filed by the respondent-husband under Section 11 of the Hindu Marriage Act, 1955 bearing HMA/102/2019, titled as ***Ashwani vs. Sonia***, which is pending in the Court of Additional Principal Judge (Family Court), Jhajjar to a competent Court of law at Sonapat.

Learned counsel for the applicant submits that the applicant is having a minor child, who is living in her custody.

Learned counsel for the applicant, at the very outset, submits that the applicant has already filed a petition under Section 125 Cr.P.C. at Sonapat and has also given a complaint to the police authorities to register an FIR against the respondent-husband and as a counter-blast to the same, the respondent-husband has filed the aforesaid petition under Section 11 of the Hindu Marriage Act, 1955 at Jhajjar.

Learned counsel for the applicant further submits that the applicant has no independent source of income; she cannot engage a lawyer

and she cannot travel to & fro from Jhajjar to contest the aforesaid case.

After hearing learned counsel for the applicant and perusing the record, the present application is allowed.

The petition filed by the respondent-husband under Section 11 of the Hindu Marriage Act, 1955 bearing HMA/102/2019, titled as ***Ashwani vs. Sonia***, which is pending in the Court of Additional Principal Judge (Family Court), Jhajjar is directed to be transferred to a competent Court of law at Sonapat.

Liberty is granted to respondent-husband to revive this application in case he wants to contest the same, however, this will be subject to a condition that at the first instance, he will clear all the outstanding arrears, if any, in terms of any order passed in the proceedings under Section 125 Cr.P.C. and will also bring a demand draft of Rs. 25,000/- in favour of the applicant-wife towards the litigation expenses, in case she appears before the Court at Jhajjar.

08.07.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No