

T.A. No. 173 of 2014 [O&M]
Date of Decision : February 5th, 2015

Sarabjit Kaur

.... Petitioner

Versus

Jaswant Rai

.... Respondent

CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present Mr. Arun Bansal, Advocate,
for the petitioner.

Mr. Raj Kumar Arya, Advocate,
for the respondent.

Dr. BHARAT BHUSHAN PARSOON, J. [Oral]

Reply has not been filed despite sufficient time having been given to the respondent, i.e. from 6.10.2014 till date. An adjournment has been sought, which prayer is not accepted.

Counsel for the wife, petitioner herein, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short, the Act) filed by the husband, respondent herein, at Pathankot to Batala, District Gurdaspur as the petitioner-wife is residing at her parental home in Batala District Gurdaspur. It is claimed that distance between two cities is approximately 75 Kms and it is very difficult for the petitioner-wife to manage and pursue the proceedings competently and effectively in the petition filed under Section 9 of the Act at Pathankot by travelling from Batala to attend the dates of hearing in the said petition. She has two minors children out of which one is breast-fed and the other is school going.

It is also urged that the respondent has intentionally filed the aforesaid petition to humiliate, harass and dwarf her claim. There is no male member in the family to support her as her only brother is living separately.

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In view of the submissions made by counsel for the petitioner, as also the circumstances explained in the petition, the request is allowed.

Sequelly, the petition under Section 9 of the Act pending before Additional District Judge, Pathankot is transferred to the Court of District Judge, Gurdaspur who may retain the same or transfer to any other Court of competent jurisdiction. Both the concerned Courts to comply.

Disposed of accordingly.

Copy Dasti on usual charges.

(Dr. BHARAT BHUSHAN PARSOON)
JUDGE

February 5th, 2015
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