

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.256 of 2014 (O&M)
Date of Decision: July 07, 2015

Sukhwinder Kaur

...Applicant

Versus

Harjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.B.S.Gill, Advocate
for the applicant.

None for the respondent.

INDERJIT SINGH, J.

Applicant Sukhwinder Kaur has filed this application under Section 24 CPC against Harjit Singh for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act, from the District Judge, Family Court, Ambala to the Court of competent jurisdiction at Hoshiarpur.

Notice of motion was issued. Earlier, learned counsel for the respondent appeared but later on, none appeared on behalf of the respondent. Today also, none appeared on behalf of the respondent.

I have heard learned counsel for the applicant and have gone through the record.

It is stated in the petition that applicant has filed a complaint under Sections 406, 498-A and 506 IPC against

respondent, his father and other relatives before learned Judicial Magistrate Ist Class, Hoshiarpur, in which the summoning order has already been passed. It is also stated that respondent never sent or gave any money to the applicant nor he ever took care of the applicant. The mother of the applicant has already died and she is living with her old aged father.

Keeping in view the facts and circumstances of the present case and in view of the fact that respondent has absented from the proceedings and has not contested this petition and further, a criminal complaint is pending before learned JMIC, Hoshiarpur, I find that if this case is transferred to competent Court at Hoshiarpur, then no inconvenience would be caused to the respondent as he is to appear in the criminal complaint case and moreover, if this case is transferred, it will be also be convenient to both the parties to get same date in both the cases by making request. Further, as per the record, it is inconvenient for the applicant-wife to cover a distance of 190 kms. Also there is no male member to accompany her, her father being old person.

Keeping in view the facts and circumstances of the present case, I find merit in the present application and the same is allowed. The case filed by the respondent-husband under Section 9 of the Hindu Marriage Act is transferred to the Court of District Judge, Hoshiarpur from the Court of District Judge (Family Court), Ambala. The applicant is directed to appear before learned District Judge, Hoshiarpur on 28.07.2015. Learned District Judge, Hoshiarpur may

keep the case with him/her or entrust the same to some other competent Court for disposal in accordance with law after giving notice to respondent.

July 07, 2015
Vgulati

(INDERJIT SINGH)
JUDGE