

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.361 of 2014 (O&M)
Date of Decision: July 29, 2015

Kanwar Rajni

...Applicant

Versus

Kamaldeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurmeet Singh Guri, Advocate
for the applicant.

Respondent ex parte.

INDERJIT SINGH, J.

Applicant Kanwar Rajni has filed this application under Section 24 CPC against Kamaldeep Singh for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act, from the Court of Addl. Civil Judge (Senior Division) Jagraon to the Court of competent jurisdiction at U.T. Chandigarh.

Notice of motion was issued but respondent did not appear despite service and he was proceeded against ex parte.

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

As per the case of the applicant, respondent is not paying maintenance and it is difficult for her to go to Ludhiana from Chandigarh. A minor child is also with the applicant. There is no male

member to accompany her to attend the Courts at Jagraon (Ludhiana) and she has no income to bear the expenses of travelling etc. Further, it is difficult for the applicant to leave her minor child alone at home.

As per the arguments of learned counsel for the appellant, I find that if the case under Section 9 of the Hindu Marriage Act is not transferred, the applicant will suffer inconvenience. Moreover, the respondent has not come present to contest this application.

Furthermore, it is difficult for the applicant to go to Jagraon from Chandigarh after covering a long distance along with her minor child or by leaving the minor child alone at home and lot of money is to be spent by the applicant for travelling to Jagraon.

Therefore, 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 titled as 'Kamaldeep Singh vs. Kanwar Rajni' is transferred to the Courts at U.T. Chandigarh from the Court of Addl. Civil Judge (Senior Division) Jagraon. The parties are directed to appear before learned District Judge, U.T. Chandigarh on 17.08.2015, who may keep the case with him or entrust the same to some other competent Court for disposal in accordance with law, after giving notice to the respondent. Learned Addl. Civil Judge (Senior Division) Jagraon, is directed to send the file to learned District Judge, U.T.Chandigarh, well before the date fixed.

July 29, 2015
Vgulati

(INDERJIT SINGH)
JUDGE