

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.430 of 2014

Date of Decision: May 01, 2015

Manju

...Applicant

Versus

Pawan

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Harpreet S.Rakhra, Advocate
for the applicant.

None for the respondent.

INDERJIT SINGH, J.

Applicant Manju has filed this application under Section 24 CPC against Pawan for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act, from the Court of competent jurisdiction at Panipat to the Court of competent jurisdiction at Bathinda.

Notice of motion was issued but none had appeared on behalf of the respondent to contest this application.

Learned counsel for the applicant argued that applicant is handicapped and suffering from 50% permanent disability. Both the daughters are with the applicant and applicant cannot leave young daughters alone and it is difficult for the applicant to travel with young daughters. He further argued that the respondent is facing proceedings under Section 12 of the Protection of Women from Domestic Violence Act in the competent Court at Bathinda. He next

argued that one person is required to accompany the applicant on each and every date at Panipat, which is at very long distance from Bathinda.

After hearing learned counsel for the applicant as well as after going through the record, I find that the applicant being handicapped and also maintaining two minor daughters, it is difficult and inconvenient for her to attend the Court in the case under Section 9 of the Hindu Marriage Act at Panipat, which is very far from Bathinda. Otherwise also, the respondent-husband has not come to contest this application. Moreover, the applicant requires one person to accompany her to Panipat to attend the proceedings. Furthermore, there will be no inconvenience to the respondent if the case is transferred to Bathinda as he is appearing at Bathinda in the proceedings under Section 12 of the Domestic Violence Act.

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, Bathinda from District Court, Panipat. The parties are directed to appear before learned District Judge, Bathinda on 18.05.2015. Learned District Judge, Bathinda may keep the case with him or entrust the same to some other competent Court for disposal in accordance with law.

May 01, 2015
Vgulati

(INDERJIT SINGH)
JUDGE