

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

TA-455-2014

Date of Decision: July 10, 2015

RAJWINDER KAUR

....PETITIONER

VS

JATINDER SINGH

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR
SANGHI**

Present: Sh. Munish Gupta, Advocate
for the petitioner.

None for the respondent.

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the digest?*

Naresh Kumar Sanghi, J. (Oral)

Prayer in the present petition filed under Section 24 of Code of Civil Procedure is for transfer of petition titled as "Jatinder Singh Vs. Rajwinder Kaur" under Section 9 of Hindu Marriage Act from the Board of learned Additional Civil Judge (Senior Division)-cum-Sub Divisional Judicial Magistrate, Batala to a Court of competent jurisdiction at District Hoshiarpur.

Learned counsel for the petitioner contends that the parents of the petitioner have expired without leaving any property; the petitioner is residing with her minor daughter at Hoshiarpur after she was thrown out by the respondent-husband from the matrimonial house; to aggravate the miseries of the petitioner-wife, the petition under Section 9 of Hindu Marriage Act has been filed by the respondent-husband at Batala; there is no adult member residing with the petitioner to accompany her to Batala to defend her case on each and every date of hearing.

Despite service, no one has put in appearance for the respondent-husband, therefore, this Court is constrained to hear the present petition in his absence.

After hearing learned counsel for the petitioner-wife and going through the contents of the application, which is duly supported by an affidavit, this Court is of the considered view that the case titled as “Jatinder Singh Vs. Rajwinder Kaur” filed under Section 9 of Hindu Marriage Act be transferred from the Board of learned Additional Civil Judge (Senior Division)-cum-Sub Divisional Judicial Magistrate, Batala to the Court of learned Civil Judge (Senior Division) Hoshiarpur, who shall either himself retain the case

or assign it to any other Court of competent jurisdiction according to law.

Learned Additional Civil Judge (Senior Division)-cum-Sub Judicial Divisional Magistrate, Batala shall send the whole records of the case to the transferee Court immediately

The parties to the *lis* shall appear before learned Civil Judge (Senior Division) Hoshiarpur on 11.08.2015 at 10:00 a.m., for further proceedings.

Disposed of accordingly.

July 10, 2015
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(NARESH KUMAR SANGHI)
JUDGE