

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.757 of 2014 (O&M)

Date of Decision: March 26, 2015

Heena Sharma

...Applicant

Versus

Sumit Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Barnala, Advocate
for the applicant.

None for the respondent.

INDERJIT SINGH, J.

Applicant Heena Sharma has filed this application under Section 24 CPC against Sumit Sharma for transfer of petition under Section 9 of the Hindu Marriage Act filed by the respondent from the Court of Smt.Amandeep Kaur, Civil Judge (Junior Division), Ludhiana to the competent Court of Jalandhar.

Notice of motion was issued but none appeared on behalf of the respondent despite service.

At the time of arguments, learned counsel for the applicant argued that already proceedings under Section 125 Cr.P.C. are pending before learned JMIC, Jalandhar. He further argued that applicant is residing with her divorced mother and there is no male member to accompany her. The applicant is to go to Ludhiana, which

is more than 70 Kms. He also argued that respondent and his family members are continuously pressurizing and threatening the applicant. Learned counsel for the applicant further contended that convenience of wife is to be seen.

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

Keeping in view the facts and circumstances of the present case and in view of the fact that there is no male member to accompany the applicant to Ludhiana, which is at a distance of 70 Kms. from Jalandhar and further in view of the fact that proceedings under Section 125 Cr.P.C. are already pending at Jalandhar and respondent is to appear at Jalandhar in those proceedings to contest the same, no prejudice will be caused to the husband-respondent, if the case is transferred at Jalandhar.

In view of the above discussion, I find merit in the present application and the same is allowed. The case under Section 9 of the Hindu Marriage Act pending in the Court of Smt.Amandeep Kaur, Civil Judge (Junior Division), Ludhiana is transferred to the Court of competent jurisdiction at Jalandhar. The parties are directed to appear before the Court of District Judge, Jalandhar on 24.04.2015, who may entrust the case to any competent Court at Jalandhar.

March 26, 2015
Vgulati

(INDERJIT SINGH)
JUDGE