

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

**TA No. 52 of 2016
Date of decision: 15.3.2016**

Rubaldeep Kaur

.. Applicant

Vs.

Jarnail Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashish Gupta, Advocate
for the applicant.

Mr. Vivek K. Thakur, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Kapurthala to a court of competent jurisdiction at Faridkot.

Notice of motion was issued and parties were directed to come present before this Court.

In compliance of the order passed by this Court, parties have come present before this Court.

After having a dialogue with the parties, this Court is prima facie of the view that at least as on date, applicant-wife is not ready to join the company of her husband.

After hearing learned counsel for the parties and careful perusal of record of the case, this Court is of the considered opinion that keeping in

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view the peculiar facts and circumstances of the case, it would be in the interest of justice to transfer the petition under Section 9 of the HM Act, filed by the respondent-husband, from Kapurthala to Faridkot. It is so said because applicant-wife, alongwith her minor child, is staying with her parents at District Faridkot. Further, proceedings under Section 125 Cr.P.C. are also pending at Faridkot.

Keeping in view the totality of facts and circumstances of the case, noted hereinabove, coupled with the reasons aforementioned, this Court is of the considered view that instant petition deserves to be accepted and the same is hereby allowed. The petition under Section 9 of the HM Act filed by the respondent-husband at Kapurthala is ordered to be transferred to Faridkot.

Accordingly, the learned District Judge, Kapurthala, is directed to send complete record of the petition under Section 9 of the HM Act, filed at the instance of respondent-husband, to the learned District Judge, Faridkot, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order. The learned District Judge, Faridkot, is also directed either to decide the case himself or assign it to a court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

15.3.2016
AK Sharma