

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

TA No.423 of 2015

Date of decision: 15.03.2016

Monika Jindia

... Applicant

Vs.

Naresh Kumar Bansal

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sourabh Goel, Advocate
for the applicant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant-wife seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 ('the Act' for short) filed by the respondent-husband at Barnala to the Court of competent jurisdiction at Ludhiana, because the petition under Section 13 of the Act filed by the applicant-wife is already pending.

Notice of motion was issued and interim order was passed.

As per office report dated 03.09.2015, notice issued to the respondent had been received back duly served. However, nobody has put appearance on behalf of the respondent on any dates of hearing. Similar is the position today. Neither anybody has come present nor any request for pass over has been made on behalf of the respondent.

Learned counsel for the applicant submits that there is a minor child out of the wedlock who is staying with the applicant-wife. She is serving in a Government Department at Ludhiana, because of which it would not only be inconvenient but very difficult for the applicant to pursue the

litigation imposed on her by the respondent-husband, while going to Barnala on every date of hearing.

In view of the abovesaid uncontroverted fact situation, this Court is of the considered opinion that it would be in the interest of justice to order the transfer of petition under Section 9 of the Act from Barnala to Ludhiana. Accordingly, instant application is allowed and the proceedings under Section 9 of the Act initiated by the respondent-husband at Barnala are ordered to be transferred to Ludhiana.

Learned District Judge, Jalandhar is directed to send the complete record of the petition under Section 9 of the Act to the learned District Judge, Ludhiana at an early date and in any case within a period of one month from the date of receipt of certified copy of this order. Learned District Judge, Ludhiana is also directed either to decide the case himself or to assign it to the learned Court of competent jurisdiction for its early decision, in accordance with law.

With the abovesaid observations made and directions issued, present application stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

15.03.2016
vishnu