

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**TA No.871 of 2016
Date of decision:12.1.2017**

Veena alias Chander Kanta

...Applicant

Versus

Jaipal Prashar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vinod Kumar Kaushal, Advocate the applicant.
None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'the HM Act') titled as 'Jaipal Prasher Vs. Veena Prasher', from Tarn Taran to Amritsar.

Notice of motion was issued. Service is complete. However, nobody has put in appearance on behalf of the respondent.

Learned counsel for the applicant submits that marriage between the parties took place in the year 1973 at Gurdaspur. Applicant-wife as well as respondent-husband are senior citizens. He also submits that respondent-husband is under the pressure of his sons because of which the applicant is being put to wholly unwarranted harassment at this advance stage of her life, thereby causing serious prejudice to her. He prays for allowing the present transfer application.

Having heard the learned counsel for the applicant and after going through the record of the case, wherein the averments taken on behalf of the applicant have gone unrebutted, this Court is of the considered view that the present transfer application deserves to be accepted. It is so said because denial of transfer of proceedings from Tarn Taran to Amritsar would amount denial of justice to the applicant-wife. The applicant is not having any source of income and she is staying with her brother. Respondent-husband is also not paying any amount of maintenance to the applicant-wife.

No other argument was raised.

Considering the totality of facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view it is just and expedient to transfer the petition under Section 9 of the HM Act, titled as 'Jaipal Prasher Vs. Veena Prasher' from Tarn Taran to Amritsar, so as secure the ends of justice.

Accordingly, learned District Judge, Tarn Taran, is directed to send complete record of the case titled as 'Jaipal Prasher Vs. Veena Prasher' to the learned District Judge, Amritsar, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Amritsar, is also directed either to decide the case himself or assign it to the learned Court of competent jurisdiction for its early decision, in accordance with law.

With the above-said observations made and directions issued, the instant transfer application stands disposed of.

12.1.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No