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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No.323 of 2017

Decided on : July 28, 2017

ANITA

...APPLICANT

VERSUS

AMANDEEP SINGH

...RESPONDENT

CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Preeti Sharma, Advocate for the applicant.
Respondent-in-person.

REKHA MITTAL, J (ORAL)

Anita, the applicant-wife prays for transfer of HMA/151 of 2017 titled "Amandeep Singh versus Anita" filed under Section 13 of the Hindu Marriage Act, 1955 from the Court of Additional District Judge, Ludhiana to a Court of competent jurisdiction at Hoshiarpur.

Counsel for the applicant has submitted that three other cases namely application under Section 125 Cr.P.C. filed by the applicant-wife, criminal proceedings under Section 406, 498A IPC initiated at the instance of the applicant and a petition for custody of the minor child, aged about 4 ½ years, born out of the wedlock filed by the respondent-husband are pending in the Courts at Hoshiarpur.

It is further submitted that the applicant has filed an application for execution of order of maintenance as respondent-husband failed to pay interim maintenance, allowed under Section 125 Cr.P.C. The applicant is looking after the child, aged about 4 ½ years, born out of the wedlock. There is physical distance of about 75 kms between Hoshiarpur

and Ludhiana, therefore, in view of the inconvenience likely to be caused to the applicant and the minor child, petition filed by the respondent-husband seeking divorce is required to be transferred to a Court of competent jurisdiction at Hoshiarpur, so that the applicant is in a position to defend the proceedings in an effective manner.

Respondent, on the contrary, has submitted that he is doing private job and his repeated visits to Hoshiarpur for attending the litigation is draining him out physically and financially.

I have heard counsel for the applicant and respondent-in-person and perused the paper book.

It is undisputed position that four cases between the parties are pending in the Courts at Hoshiarpur. The applicant-wife has a child, aged 4 ½ years, to look after. Taking into consideration the inconvenience to be caused to the applicant-wife coupled with the factum that the respondent has to go to Hoshiarpur to attend the proceedings in other cases, petition under Section 13 of the Hindu Marriage Act, 1955 titled “Amandeep Singh versus Anita” is ordered to be transferred from the Court of Additional District Judge, Ludhiana to the Court of District Judge, Hoshiarpur. The District Judge, Hoshiarpur may deal with the petition himself or assign it to any other Court of competent jurisdiction.

Disposed of.

July 28, 2017

rajneesh

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No