

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

TA No. 441 of 2017(O&M)

Date of decision: 11.12.2017

Rajbinder Kaur

....Applicant

VERSUS

Palwinder Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. N.S. Lucky, Advocate for the applicant.

Mr. Kewal Krishan, Advocate for the respondent.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **Palwinder Singh Vs. Rajbinder Kaur** filed by the respondent-husband from the Court at Ludhiana to a court of competent jurisdiction at Barnala.

Counsel for the applicant would state that as the applicant has failed to produce on record copy of FIR referred to in para 13, she gives up that ground qua her claim for transfer of the case. It has been argued that the applicant has filed three cases referred to in paras 9 to 11 and the same are pending in the Courts at Barnala. In the petition under Section 13 of the Act filed by the applicant, respondent-husband has already put in appearance and contesting the proceedings.

The petition under Section 9 of the Act filed by the respondent-husband can be decided by the District Judge, Family Court, Barnala, seized of the proceedings under Section 13 of the Act filed earlier in time by the applicant. Under the circumstances, transfer of the case

filed under Section 9 of the Act by the respondent-husband to the Court of District Judge, Family Court, Barnala may not be of any inconvenience for him. Accordingly, the instant petition titled **Palwinder Singh Vs. Rajbinder Kaur** is withdrawn from the Court at Ludhiana and transferred to the Court of District Judge, Family Court, Barnala for disposal in accordance with law. The Family Court shall ensure that both the cases i.e. petition under Section 13 of the Act filed by the applicant and petition under Section 9 of the Act filed by the respondent are fixed on the same date in order to do away with unnecessary inconvenience to the respondent.

Disposed of accordingly.

DECEMBER 11, 2017

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no