

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

207

TA-468-2017 (O&M)
Date of decision: 03.11.2017

HARPREET KAUR @ MANYATA

...Applicant

Versus

NIRMAL SINGH AND ORS.

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. S.K. Singla, Advocate for the applicant.

Mr. Y.S. Turka, Advocate for respondents No.1 to 3.

REKHA MITTAL, J. (Oral)

The applicant prays for transfer of Civil Suit titled **Nirmal Singh and others Vs. Harpreet Kaur and others** from the Court of Additional Civil Judge (Senior Division), Dera Bassi to a Court of competent jurisdiction at Malerkotla.

Counsel for the applicant has submitted that the applicant was married to son of Nirmal Singh and Baljeet Kaur in the year 2012 but unfortunately her husband passed away in December, 2016. Out of her wedlock, two children were born and they are in custody of the applicant. She has filed two litigations (Annexures P2 and P3) in which respondents No.1 to 3 are party in the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 pending in the Court at Malerkotla. It is argued that in view of physical distance between Dera Bassi and Malerkotla coupled with responsibility of applicant to look after

the minor children namely Kanishka and Samardeep, suit for injunction filed by respondents No.1 to 3 is liable to be transferred to a Court of competent jurisdiction at Malerkotla.

Counsel for the contesting respondents, on the contrary, would urge that personal appearance of the applicant is not required on each and every date of hearing in the suit. The contesting respondents have not caused appearance in the two litigations stated to be filed by the applicant.

It is undisputed position of the case that the applicant is the widowed daughter-in-law of Nirmal Singh and Baljeet Kaur. She has responsibility to look after two minor children who have instituted a petition under Sections 19 and 20 of the Hindu Adoptions and Maintenance Act, 1956 for grant of maintenance, pending in the Court at Malerkotla. Taking into consideration inconvenience likely to be caused to the applicant in contesting the suit pending in the Court at Dera Bassi, in the interest of substantial justice, the suit is withdrawn from the Court at Dera Bassi and transferred to the Court of Additional Civil Judge (Sr. Div.), Malerkotla for proceeding with the matter in accordance with law.

The petition stands disposed of accordingly.

03.11.2017
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No