

T.A.No. 578 of 2017
Date of Decision: 14.12.2017

Gurpreet Kaur

---Applicant

versus

Barinder Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ishan Cooner, Advocate
for Mr. J.S.Cooner, Advocate
for the applicant

Mr. Ashok Kumar Sharma, Advocate,
for the respondent

Rekha Mittal, J.

Prayer in this application is for transfer of petition titled “Barinder Singh vs. Gurpreet Kaur” under Section 9 of the Hindu Marriage Act, 1955 (in short “the Act”) filed by the respondent from the Court of Additional Civil Judge (Senior Division-I), Patiala to a court of competent jurisdiction at Ambala City.

Counsel for the applicant has submitted that two minor children born out of the wedlock in 2012 and 2014 are in custody of the applicant who is residing at her parental house in village Panjokhra. Two cases filed at the behest of the applicant, referred to in paras 5 and 6 of the application are pending in the court at Ambala. It is further submitted that petition under Section 9 of the Act filed by the respondent can be decided by the courts at Ambala, seized of the proceedings filed by the applicant.

Counsel for the respondent has not disputed factual assertions

but opposed the prayer for transfer of the case with the plea that it would cause inconvenience for the respondent.

Be that as it may, it is admitted position of the case that two minor children are being looked after by the applicant. The petition under Section 9 of the Act can be decided by the court at Ambala which is seized of the proceedings under Section 125 of the Code of Criminal Procedure (in short "Cr.P.C.") filed by the applicant. That being so, taking into consideration the convenience and inconvenience of the parties, the instant petition is withdrawn from the court at Patiala and transferred to the court at Ambala which is seized of the proceedings under Section 125 Cr.P.C. The court below is directed to fix both the cases namely application under Section 125 Cr.P.C. and petition under section 9 of the Act on the same date.

Disposed of accordingly.

(Rekha Mittal)
Judge

14.12.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No