

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

-.-

TA 683 of 2017

Date of decision: 22.12.2017

Sultana Begum

.....Applicant

Versus

Shamshad Khan

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Ashok Goel, Advocate
for the applicant

None for the respondent

-.-

Rekha Mittal, J. (Oral)

Prayer in this application is for transfer of petition titled '*Shamshad Khan vs Sultana Begum*' under Section 9 of the Hindu Marriage Act, 1955 (in short, 'HMA') from the Court of Civil Judge (Senior Division) Sangrur to a Court of competent jurisdiction at Patiala.

A relevant extract from notice of motion order dated 21.08.2017, reads as follows:-

“Counsel for the applicant, inter alia, contends that a complaint under Section 12 of the Protection of Women from Domestic Violence Act filed by the applicant prior to petition under Section 9 of the Hindu Marriage Act filed by the respondent is pending in the Court at Chief Judicial Magistrate, Patiala wherein the husband is attending to the proceedings. It is further submitted that the applicant has two minor children aged 2 and 6 years respectively to look after.

Notice of motion for 26.10.2017.

The respondent be also served by dasti process as well as through counsel representing him before the Court at Sangrur.”

The respondent has failed to cause appearance despite service, therefore, there is no counter to the submissions made by the applicant.

In view of the above, the aforesaid petition is withdrawn from the Court of Civil Judge (Senior Division) Sangrur and transferred to the Court dealing with matrimonial cases at Patiala, for proceeding with the matter, in accordance with law.

Disposed of accordingly.

(Rekha Mittal)
Judge

22.12.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No