

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

T.A. No.406 of 2017 (O&M)

Date of decision : February 16, 2018

Nirmaljeet Kaur

..... Petitioner

Versus

Sukhvinder Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.K. Sharma, Advocate for
Mr. Chand Deep Jindal, Advocate for the petitioner.

Ms. Kiran Bala Jain and Ms. Prabha Sharma, Advocates
for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Present petition has been filed for transfer of a petition filed under Section 13 of the Hindu Marriage Act, titled as “*Sukhvinder Singh vs Nirmaljeet Kaur*”, pending in the Court of learned Addl. District Judge, Kurukshetra, to a court of competent jurisdiction at Patiala.

In the application, it is stated that the petitioner is HIV positive. She depends upon her widow mother and not in a position to pursue her case at District Court, Kurukshetra. Respondent is stated to have settled in Itlay.

The application has been opposed on the ground that the petitioner has filed a criminal complaint at Kurukshetra, and on the basis of which FIR was registered and the case is now pending in the court of learned Judicial Magistrate 1st Class, Kurukshetra.

However, learned counsel for the petitioner states that two other cases between the parties are pending at Rajpura Courts.

Considering the fact that the petitioner is HIV positive, I am of the view that the case should be transferred. As such, the petition filed under Section 13 of the Hindu Marriage Act, titled as “***Sukhvinder Singh vs Nirmaljeet Kaur***”, pending in the Court of learned Addl. District Judge, Kurukshetra, is withdrawn from the said court and transferred to the court of learned District Judge, Patiala, who may retain the case himself or entrust the same to a court of competent jurisdiction.

Accordingly, the present petition is allowed.

(KULDIP SINGH)
JUDGE

February 16, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No