

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

TA No.16 of 2018

Date of decision: 21.09.2018

Gurmeet Kaur

.. Petitioner

vs.

Nishan Singh

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

None for the respondent.

Harinder Singh Sidhu, J.

The petitioner wife has filed this petition under Section 24 of the Code of Civil Procedure for transferring the petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Nishan Singh Vs. Gurmeet Kaur, filed by the respondent, which is pending in the Court of Ld. Additional District & Sessions Judge, Ferozepur to a Court of competent jurisdiction at Tarn Taran.

It is stated that the marriage of the petitioner was solemnized with the respondent on 21.02.2016. One child was born to them, who is presently 1 ½ year of age. The petitioner states that just four months after the marriage, the petitioner was turned out from her matrimonial home and since then she is living with her parents at Tarn Taran along with her minor child. The petitioner has no independent source of income and is totally dependent upon her parents. It is very difficult for the petitioner to attend the Court proceedings at Ferozepur, which is at a distance of about 85 kms from her place of residence. Prior to the institution of the petition under Section 13 of the Hindu Marriage Act, 1955, the respondent had filed a petition under Section 11/12 of the Hindu Marriage Act, 1955 at Ferozepur.

The petitioner had filed Transfer Application No.813 of 2016 seeking transfer of that petition from Ferozepur to Tarn Taran. Her transfer

application was allowed and vide order dated 15.02.2017, the case was transferred from Ferozepur to Tarn Taran.

Earlier notice issued to the respondent was received back unserved with the report that the respondent is serving in the Army. Thereafter, he was permitted to be served through his counsel appearing in the trial Court. Service was effected. However, no one put in appearance on his behalf when the case was listed on 27.07.2018. Today, also no one has put in appearance on behalf of the respondent.

Considering the aforesaid facts and circumstances, this petition is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as "Nishan Singh Vs. Gurmeet Kaur, which is pending in the Court of Ld. Additional District & Sessions Judge, Ferozepur is withdrawn from that Court and transferred to Tarn Taran. The District Judge, Tarn Taran may assign it to a competent Court.

21.09.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No