

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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TA No.305 of 2018 (O&M)
Date of decision : 05.10.2018

Gagandeep Kaur

... Petitioner

Versus

Parminder Singh

.... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.M.S.Saini, Advocate for the petitioner.
None for the respondent.

Harinder Singh Sidhu, J.

Petitioner (wife) has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 9 of the Hindu Marriage Act, 1955 titled as “Parminder Singh Vs. *Gagandeep Kaur*” filed by the respondent (husband) which is pending before learned Addl. Civil Judge (Sr.Divn.), Gurdaspur, to a court of competent jurisdiction at Hoshiapur.

It is stated that marriage of the petitioner with the respondent was solemnized on 29.5.2011. A female child, namely Noorpreet Kaur was born to them on 23.3.2012.

It is the case of the petitioner that from the very beginning of the marriage, the respondent and his family members started harassing the petitioner on account of dowry. In the month of January, 2012, the petitioner had come to her parental house where a female child, Noorpreet Kaur was born on 23.3.2012. Though the respondent was informed but he did not come to see the child. Since then he has made no efforts to take the petitioner or the child with him to her matrimonial home. The petitioner has been living with her minor daughter at the parental house since 2012.

Ultimately, the petitioner was left with no option but to file a petition under

Section 13 of the Hindu Marriage Act for dissolution of marriage which is pending in the court of learned Addl. District Judge, (Family Court), Hoshiarpur. She has also filed a petition under Section 125 Cr.P.C. for maintenance at Hoshiarpur. The respondent has put in appearance in both the cases. Thereafter, he has filed the petition under Section 9 of the Hindu Marriage Act at Gurdaspur.

It is stated that the petitioner has no independent source of income. She is wholly dependent on her parents. The respondent has not paid a single penny for maintenance to the petitioner and her minor child. It is difficult for the petitioner to attend the court proceedings at Gurdaspur which is at a distance of more than 100 kms. from her place of residence.

Respondent has been served. However, no one has put in appearance on his behalf. On the previous date also, no one had appeared for the respondent.

Considering the facts and circumstance of the case, this petition is allowed.

The petition under Section 9 of the Hindu Marriage Act, 1955 titled as "Parminder Singh Vs. Gagandeep Kaur" filed by the respondent (husband) which is pending before learned Addl. Civil Judge (Sr.Divn.), Gurdaspur is withdrawn from that court and transferred to Hoshiarpur. The learned District Judge, Hoshiarpur may assign it to a competent court at Hoshiarpur.

(Harinder Singh Sidhu)
Judge

05.10.2018

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Whether speaking/reasoned

: Yes/No