

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

T.A. No. 314 of 2018

DATE OF DECISION :- December 19, 2018

Sandeep Kaur

...Applicant

Versus

Davinderjit Singh alias Vicky

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Rajan Singh Dadwal, Advocate for the applicant.

Mr. G.S. Dhillon, Advocate for the respondent.

This application for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed having title 'Davinderjit Singh @ Vicky Vs. Sandeep Kaur' pending in the Court of District Judge (Family Court) Faridkot to the Court of Additional Civil Judge (Sr. Divn.) Jagraon has been filed by applicant Sandeep Kaur wife of Davinderjit Singh alias Vicky-respondent.

According to her, after marriage was solemnized on 12.3.2017, they started residing together, however, she was harassed by respondent and his family members on account of demand of dowry. There were certain other reasons and ultimately she was turned out of the matrimonial home on 13.10.2017. She had to fall back upon her parents and start residing with them. She has filed a petition under Section 125 Cr.P.C. for grant of

maintenance and a petition under Protection of Women from Domestic Violence Act against respondent, which are pending in the Court at Jagraon. She does not have any source of income. Her husband has filed a petition under Section 9 of the Hindu Marriage Act against her which is pending before District Judge (Family Court), Faridkot. Being a young woman having no source of income, it is difficult for her to go from her village Tajpur, Tehsil Raikot, District Ludhiana to Faridkot covering a distance of about 100 kms on one side, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance and is vehemently opposing the application contending that the allegations of cruelty etc. levelled by the applicant in the application are wrong and she had left the matrimonial home of her own. The respondent is in service and if petition is transferred from Faridkot to Jagraon, he would have to face great hardship in going there, therefore the application be dismissed.

I have heard learned counsel for the parties besides going through the record.

Considering the fact that the applicant is a young woman of 26 years and distance between her parental place and Faridkot and further it is stated that she is not having any source of income, ends of justice demand that the application should be accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of District Judge (Family Court) Faridkot and transferred to the Court of Additional Civil Judge (Sr. Divn.) Jagraon for disposal in accordance with law. Learned Additional Civil Judge (Sr. Divn.) Jagraon may retain the

petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 24.1.2019. Copies of orders be sent to the Court of District Judge (Family Court) Faridkot as well as to the Court of Additional Civil Judge (Sr. Divn.) Jagraon for information and necessary compliance.

(H.S. MADAN)
JUDGE

December 19, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No