

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 904 of 2017 (O&M)

Date of decision : 19.12.2018

...

Parminder Kaur

.....Applicant

vs.

Gurinder Raj Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. L.S. Mann, Advocate for the applicant.

Mr. B.D. Sharma, Advocate for the respondent.

...

H. S. Madaan, J. (Oral)

Applicant – Parminder Kaur, aged about 27 years, has filed the instant application under Section 24 CPC, seeking transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Gurinder Raj Singh vs. Parminder Kaur' pending in the Court of Additional District Judge, Ludhiana, to a Court of competent jurisdiction at Fatehgarh Sahib, where two other cases between the parties are pending.

According to the applicant, her marriage with respondent which was solemnized on 21.2.2014, ran into rough weather. Though she had given birth to a namely, Japseerat Raj Kaur, from the loins

of respondent, aged about 2 ½ years, at the time of filing of application, but on account of demands raised by respondent and his family members, she alongwith the minor daughter had to leave the matrimonial home and started residing with the parents at village Badhoushi Kalan, Tehsil and District Fatehgarh Sahib. She has filed a petition under Section 125 Cr.P.C. for maintenance against the respondent, besides application under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights, which was pending in the Court at Fatehgarh Sahib. Her husband had filed a divorce petition against her in the court at Ludhiana. She being a woman, required to take care of minor daughter of the parties, having no source of income, it is difficult for her to travel from her village in Fatehgarh Sahib District to Ludhiana, covering a distance of almost 80 kms on one side, to attend the dates of hearing in Court at Ludhiana. Therefore the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel.

The application is being opposed by the respondent. The apprehension expressed by the respondent is that he alongwith his family members go to Fatehgarh Sahib to attend the dates of hearing in other two cases, then applicant and her family members, who are politically influential, threaten them and they apprehend physical harm at their hands. Therefore the application be not accepted firstly and even if the case is to be transferred from the Court at Ludhiana, then it should be transferred to a place which may be near to Fatehgarh Sahib, like Mohali or Chandigarh.

After hearing learned counsel for the parties and going through the record, I find that ends of justice demand that the application should be accepted. The apprehension of the respondent can be taken care of by issuing necessary direction to SSP, Fatehgarh Sahib.

Accordingly, the application is accepted. The petition in question pending in the court of Additional District Judge, Ludhiana, is withdrawn from that Court and transferred to the Court of District Judge, Fatehgarh Sahib, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties through counsel are directed to appear there on 24.1.2019.

SSP Fatehgarh Sahib is directed to ensure that no physical harm is caused to the respondent or any of his family members, accompanying him when they go to Fatehgarh Sahib for attending the dates of hearing in the Divorce petition.

A copy of the order be sent to the Courts concerned, as well as SSP, Fatehgarh Sahib, for information and necessary compliance.

19.12.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No