

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

TA No.347 of 2018

Date of decision: 26.10.2018

Ranjit Kaur

.. Petitioner

vs.

Kuldeep Singh

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. H.S. Dhindsa, 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 “Kuldeep Singh Vs. Ranjit Kaur”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Family Court, Moga to a Court of competent jurisdiction at Faridkot.

It is stated that the marriage of the petitioner was solemnized with the respondent on 01.12.2008. One child, namely, Gursahil Singh was born to them on 11.05.2011, who is presently living with the respondent. The petitioner was thrown out of her matrimonial home in January, 2016 and her son was forcibly retained by the respondent. Since then, she was residing with her parents at village Killa Nau, Tehsil and District Faridkot.

The petitioner has filed a petition under Section 125 Cr.P.C. for maintenance, which is pending before the Ld. District Judge, Family Court, Faridkot. As a counter blast, the respondent has filed a petition under Section 13 of the Hindu Marriage Act at Moga.

It is stated that the Moga is 67 kms. from the place of residence of the petitioner. The petitioner has no independent source of income. She is wholly dependent on her father. It would be difficult for her to attend the Court proceedings at Moga. The petitioner is seeking transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 from Moga to Faridkot. Both Moga and Faridkot are at the same distance of 35 kms. from the place of residence of the respondent. The respondent would not in any way be prejudiced if the case is transferred from Moga to Faridkot.

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

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Kuldeep Singh Vs. Ranjit Kaur”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Family Court, Moga is withdrawn from that Court and transferred to Faridkot. The District Judge, Faridkot may assign it to any competent Court.

26.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No