

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

Transfer Application No.390 of 2018

Date of decision: September 17, 2018

Manjit Kaur

...Petitioner

Versus

Sunil Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Bikramjit Singh Randhawa, Advocate
for the petitioner.

None for the respondent.

Harinder Singh Sidhu, J. :

The petitioner-wife has filed the present application under Section 24 of the Code of Civil Procedure for transfer of the case titled as “Sunil Kumar vs. Manjit Kaur” under Section 25 of the Guardian and Wards Act filed by the respondent-husband, which is pending in the Court of Ld. Civil Judge (Senior Division), Ludhiana, to a court of competent jurisdiction at SBS Nagar.

It is stated that marriage between the parties was solemnised on 11.3.2012. They have two daughters (twins) namely Rishita and Ridhi, who are aged about 4½ years.

It is the case of the petitioner that she had been subjected to harassment and humiliation by the respondent, because of which she was forced to leave her matrimonial home in 2016. Since then she is residing with her parents at SBS Nagar. The minor daughters of the petitioner are also residing with her and studying at SBS Nagar. The petitioner is

unemployed and wholly dependent on her parents. The petitioner has filed an application under Section 125 Cr.P.C. which is pending at SBS Nagar. A criminal case has also been registered against the respondent and his family members at SBS Nagar.

The respondent, on the other hand, has filed a petition under Section 25 of the Guardian and Wards Act at Ludhiana. It is stated that the distance between SBS Nagar and Ludhiana is about 70 kilometers. It is very difficult for the petitioner in the situation, in which she is, to attend the proceedings at Ludhiana.

As the respondent did not appear despite service, vide order dated 31.5.2018, he was proceeded against exparte and the case was adjourned to 31.7.2018. Thereafter, the case was adjourned to 17.9.2018, on which date as well, no-one appeared for the respondent. Then, the case was posted for today, but once again he is not represented.

Keeping in view the aforesaid facts and circumstances, this petition is allowed. The case bearing No.GW-119 of 2016 titled as “Sunil Kumar vs. Manjit Kaur” under Section 25 of the Guardian and Wards Act filed by the respondent-husband, which is presently pending in the Court of Ld. Civil Judge (Senior Division), Ludhiana is withdrawn from the said Court and transferred to District SBS Nagar. The District Judge, SBS Nagar may assign it to any competent Court at SBS Nagar.

September 17, 2018

**(HARINDER SINGH SIDHU)
JUDGE**

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

