

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

**Transfer Application No.405 of 2018**

**Date of decision: September 17, 2018**

Shalini Saini

...Petitioner

Versus

Mohinder Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Satbir Rathore, Advocate for the petitioner.

None for the respondent.

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**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 “Mohinder Singh vs. Shalini Saini” bearing No.GW-7/18, under Section 6 of Hindu Minority and Guardianship Act read with Section 25 of the Guardian and Wards Act filed by the respondent-husband, from the Court of Ld. Additional Civil Judge (Senior Division), Hoshiarpur, to a court of competent jurisdiction at Gurdaspur.

It is stated that marriage between the parties was solemnised on 3.12.2004. A male child was born to them, who is presently about 11 years old. On account of harassment and humiliation at the hands of the respondent and his family members, the petitioner had to leave her matrimonial home. After that, she has been residing with her parents at Gurdaspur. Presently, the petitioner is employed as a Science Mistress in Government High School, Sangatpur, District Gurdaspur. The son of the petitioner is studying in Little Flower Senior Secondary Convent School,

Gurdaspur. The petitioner is bearing the entire expenses of the education and maintenance of her son. The respondent has now filed a petition under Section 6 of Hindu Minority and Guardianship Act read with Section 25 of the Guardian and Wards Act, which is pending in the Court of Ld. Additional Civil Judge (Senior Division), Hoshiarpur.

It is contended that Hoshiarpur is at a distance of about 80 kilometers from Gurdaspur. It is difficult for the petitioner to attend the Court proceedings at Hoshiarpur. The parents of the petitioner are old and cannot take care of the child. Moreover, the petitioner apprehends danger to her life if she goes to attend the court proceedings at Hoshiarpur.

The respondent had been served. No-one appeared on his behalf on the previous date of hearing i.e. 9.8.2018. Today as well, he is unrepresented.

Keeping in view the aforesaid facts and circumstances, this petition is allowed. The case bearing No.GW-7/18 titled as “Mohinder Singh vs. Shalini Saini” under Section 6 of Hindu Minority and Guardianship Act read with Section 25 of the Guardian and Wards Act filed by the respondent-husband, which is presently pending in the Court of Ld. Additional Civil Judge (Senior Division), Hoshiarpur is withdrawn from the said Court and transferred to Gurdaspur. The District Judge, Gurdaspur may assign it to any competent Court at Gurdaspur.

**September 17, 2018**

**( HARINDER SINGH SIDHU )  
JUDGE**

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |

**TA-405-2018**

**[3]**