

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

T.A. No. 536 of 2018

DATE OF DECISION :- December 19, 2018

Sheenu Ghai

...Applicant

Versus

Gaurav Ghai

...Respondent

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

Present:- Mr. Gurcharan Dass, Advocate for the applicant.

Mr. P.S. Punia, Advocate for the respondent.

Applicant Sheenu Ghai, aged about 35 years, estranged wife of respondent Gaurav Ghai, presently residing with her parents at Ludhiana on account of marital discord with her husband by way of filing the present application seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Gaurav Ghai against her having title 'Gaurav Ghai Vs. Sheenu Ghai' pending in the Court of Civil Judge (Sr. Division), Fatehgarh Sahib to the Court of competent jurisdiction at Ludhiana.

According to case of the applicant, marriage of the applicant with the respondent was solemnized on 6.10.2011 and the spouses started residing together. The applicant gave birth to a male child from loins of respondent on 9.10.2012. She was turned out of the matrimonial home along with a minor son of the parties. She had no other place to go except to fall

back upon her parents residing at Ludhiana. She has filed a petition for maintenance under Section 125 Cr.P.C. for herself and on behalf of the minor son in the Court at Ludhiana. Her husband had filed a petition for custody of the minor son of the parties in the Court at Fatehgarh Sahib. On an application having been filed by the applicant before this Court, the said petition was transferred to the Court of competent jurisdiction at Ludhiana vide order dated 16.5.2018 passed in T.A. No. 127 of 2018, copy of which has been attached as Annexure P2. It is submitted that on account of the fact that applicant is a woman, taking care of minor son of the parties and having no source of income, it is difficult for her to travel from Ludhiana to Fatehgarh Sahib covering a distance of 70 kms on one side. Further more it is hard for her to bear the travelling expenses also, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel. The application is being resisted vehemently.

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

I am of view that the application calls for acceptance, the same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Division), Fatehgarh Sahib and transferred to the Court of Civil Judge (Sr. Divn.) Ludhiana for disposal in accordance with law. Learned Civil Judge (Sr. Divn.) Ludhiana 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 Civil Judge (Sr. Division), Fatehgarh Sahib as well as to the Court of Civil Judge (Sr. Divn.) Ludhiana for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 19, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No