

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

T.A. No. 605 of 2018

DATE OF DECISION :- December 14, 2018

Sunita @ Soni

...Applicant

Versus

Balbir Singh

...Respondent

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

Present:- Mr. Vivek K. Thakur, Advocate for the applicant.

By way of filing the instant application under Section 24 CPC, applicant Sunita @ Soni, aged about 36 years, presently residing with her parents at Naya Nangal, Tehsil, Anandpur Sahib, District Ropar, seeks transfer of divorce petition filed by her husband Balbir Singh. respondent in the application having title 'Balbir Singh versus Sunita @ Soni' pending in the Court of Sh. Gagandeep Mittal, Civil Judge (Sr. Div.), Yamuna Nagar, to the Court of competent jurisdiction at Anandpur Sahib. According to her, after her marriage with the respondent, she started residing in the matrimonial home. The marriage was consummated. She gave birth to a female child namely Teena on 11.9.2009 from loins of respondent. On account of matrimonial discord between the spouses she had to leave the matrimonial home along with the minor daughter of the parties and to start residing with her father at Naya Nangal. She has lodged an F.I.R. against the respondent and his family members for offence under Section 498A IPC with Police Station Naya Nangal, District Rupnagar. She has also filed a petition under Section 125 Cr.P.C. before Gram Nyayalaya, Nangal. Her husband as a counter blast has

filed the petition in question in the Court at Yamuna Nagar. It is difficult for her to go to Yamuna Nagar from Naya Nangal covering a distance of 200 kms on one side to attend the dates of hearing in the Court there, more particularly when she has to take care of minor daughter of the parties and she has no source of income.

Notice of application was given to the respondent, who was duly served but he has not opted to put in appearance to offer a contest.

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

Keeping in view the contentions in the application made by learned counsel for the applicant, 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 The petition in question is ordered to be withdrawn from the Court of Sh. Gagandeep Mittal, Civil Judge (Sr. Div.), Yamuna Nagar and transferred to the Court of District Judge, Rupnagar for disposal in accordance with law. Learned District Judge, Rupnagar 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 21.1.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Div.), Yamuna Nagar as well as to the Court of District Judge, Rupnagar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 14, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No