

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

110

TA-821-2018 (O&M)

Date of Decision : 28.11.2018

Kulwinder Kaur

..... Applicant

Versus

Daljit Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. K. Arun Singh, Advocate
for the Applicant.

Mr. Hameed Hasan, Advocate
for the respondent.

AJAY TEWARI, J. (ORAL)

This transfer application has been filed by the applicant-wife to transfer two cases by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 and a petition under Section 25 of the Guardians & Wards Act from the District Court, Panchkula to a competent Court at Ludhiana.

The ground taken is that the applicant has a young child to look after and further she has already filed an application for maintenance in the Court at Ludhiana.

On the last date the following order was passed:-

“Mr. Hamid Hasan, Advocate has entered appearance on behalf of the respondent and states that he has instruction from his client that he would have no objection if the matter is transferred from Panchkula to Ludhiana but the applicant has not allowed the respondent to meet the child of the parties since 3.6.2018. He states that the respondent is ready to pay Rs.10,000/- per month to the applicant without

prejudice to her right to claim maintenance in a competent court.

Part heard.

Adjourned to 27.11.2018.

Petitioner (alongwith child) and respondent are directed to appear in person on the next date of hearing.

To be shown in the urgent list.”

It transpired that the matter was listed yesterday and the respondent was able to meet the child. In the circumstances, the transfer application is allowed. As stated on the last date, the respondent will continue to pay Rs.10,000/- to the applicant without prejudice to her claim for maintenance. The respondent further states that he has information that the child is not studying in any school. Counsel for the applicant counters by stating that the child is studying in school but in case this is incorrect the applicant will immediately admit him to school. The applicant has further agreed that on every date of hearing she will bring the child with her to court premises and ensure that the respondent can meet the child after school hours if the respondent gives prior notice that he is coming for the hearing. This would be without prejudice to the right of the respondent to claim custody/more visitation rights as per law.

Consequently, both the cases are transferred to the Court of Civil Judge (Sr. Division), Ludhiana who will endeavour that all the three cases will be listed before the same Court so that as far as possible the same date be given and unnecessary inconvenience is not caused to the parties.

The record of the cases be sent to the Court of Civil Judge (Sr. Division), Ludhiana. Parties through counsel are directed to appear before the said Court on 26.12.2018.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

November 28, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No