

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

114

TA-913-2018

Date of Decision : 22.11.2018

Jeewan Jyoti

....Petitioner

vs.

Surinder Kumar

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Himani Kapila, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

Petitioner has filed the present transfer application/petition under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 9 of the Hindu Marriage Act, 1955 titled Surinder Kumar vs. Jeewan Jyoti which is pending before learned District Judge, Family Court, Shaheed Bhagat Singh Nagar (Nawanshahar) to a Court of competent jurisdiction at Gurdaspur.

Mr. R.S.Athwal, Advocate has entered appearance on behalf of the respondent.

The ground taken by learned counsel for the applicant is that respondent is already facing an application filed by the applicant under Section 125 Cr.P.C at Gurdaspur. Furthermore, the distance between Nawanshahara and Gurdaspur is approximately 130 K.M and it is difficult for the applicant to travel this distance as respondent has not paid any amount to the applicant and she has not any source of income.

Counsel for the respondent has argued that actually the respondent is living with his two children who are born out of this marriage and therefore, the applicant should come to Nawanshahar because even jurisdiction is only at Nawanshahar Court. However, to my mind what is determining factor is that respondent is already facing case at Gurdaspur and thus on the comparative hardship test, I deem it appropriate to allow the transfer application.

Counsel for the respondent has very fairly stated that since the respondent wants the applicant to come back home he would not oppose the prayer but the matter should be referred to the mediation center, Gurdaspur. I find this to be a fair request. In the circumstances, the petition is allowed and petition under Section 9 of the Hindu Marriage Act, 1955 titled Surinder Kumar vs. Jeewan Jyoti which is pending before learned District Judge, Family Court, Shaheed Bhagat Singh Nagar (Nawanshahar) is withdrawn from that Court and is transferred to the Family Court at Gurdaspur. Parties through counsel are directed to appear before Family Court, Gurdaspur on 19.12.2018. Family Court, Gurdaspur would in the first instance would refer the matter to the Mediation Centre, Gurdaspur.

The application stands disposed of.

(AJAY TEWARI)
JUDGE

22.11.2018
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No