

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

T.A. No. 18 of 2019

DATE OF DECISION :- March 13, 2019

Paramjit Kaur

...Applicant

Versus

Gulzar Singh

...Respondent

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

Present:- Mr. Amit Kumar Walia, Advocate for the applicant.

Applicant Paramjit Kaur, aged about 35 years, estranged wife of Gulzar Singh-respondent, presently residing with her parents at Sangrur on account of differences between the spouses by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Gulzar Singh against her having title 'Gulzar Singh Vs. Paramjit Kaur' pending in the Court of Additional Civil Judge (Sr. Divn.), Mansa to the Court of competent jurisdiction at Sangrur.

According to the applicant, the marriage performed on 28.3.2004 between the parties ran into rough weather. The couple was blessed with a son namely Harpreet Singh. The respondent treated the applicant with cruelty, as such she was forced to leave the matrimonial home and start residing with her parents at Sangrur. The minor son is in custody of respondent. The applicant has filed petition under Section 125 Cr.P.C. besides one under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent which are pending in the Courts at Sangrur. As a pressure tactic, the respondent-husband has filed petition in question against the applicant. The applicant being a young woman, having no source of income, it is difficult for her to travel from

Sangrur to Mansa to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up 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 and submissions made by learned counsel for the applicant, in which I find merit, in absence of any strong circumstance to the contrary, it would be proper and appropriate if the application is accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.), Mansa and transferred to the Court of District Judge, Sangrur for disposal in accordance with law. Learned District Judge, Sangrur 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 24.4.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Mansa as well as to the Court of District Judge, Sangrur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 13, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No