

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

T.A. No. 17 of 2019

DATE OF DECISION :- March 13, 2019

Gurjeet Kaur

...Applicant

Versus

Barinder Singh

...Respondent

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

Present:- Mr. JPS Sidhu, Advocate for the applicant.

Applicant Gurjeet Kaur, aged about 35 years, estranged wife of Barinder Singh-respondent, presently residing with her parents at Mansa on account of differences between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Barinder Singh against her having title 'Barinder Singh Vs. Gurjeet Kaur' pending in the Court of District Judge (Family Court), Barnala to the Court of competent jurisdiction at Mansa.

According the applicant, the marriage was performed between the parties on 30.3.2014. Thereafter the couple started residing together as husband and wife and were blessed with a daughter namely Sahib Kaur born on 22.12.2014. The applicant was treated with cruelty by the respondent and his family members in connection with demand of dowry. The applicant along with the minor daughter was forced to leave the matrimonial home. She had no other place to go except house of her parents at Mansa. The applicant had filed a petition under Section 9 of the Hindu Marriage Act against the respondent in the Court at Mansa. As a counter blast, the respondent-husband has filed the divorce petition against the applicant. The applicant is working as a Government Teacher at Mansa. The

daughter of the parties is also studying in a School at Mansa, as such it is difficult for her to travel from Mansa to Barnala covering a distance of 50 kms on one side to attend the date 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 The petition in question is ordered to be withdrawn from the Court of District Judge (Family Court), Barnala and transferred to the Court of District Judge, Mansa for disposal in accordance with law. Learned District Judge, Mansa 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 District Judge (Family Court), Barnala as well as to the Court of District Judge, Mansa for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 13, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No