

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

T.A. No. 16 of 2019

DATE OF DECISION :- March 13, 2019

Alka Kumari alias Alka Kaur

...Applicant

Versus

Gursewak Singh

...Respondent

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

Present:- Mr. Vishal Munjal, Advocate for the applicant.

Applicant Alka Kumari alias Alka Kaur, aged about 27 years, estranged wife of Gursewak Singh-respondent, presently residing with her parents at VPO Sunderchak, Police Station Sujampur, Tehsil and District Pathankot 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 Gursewak Singh against her having title 'Gursewak Singh Vs. Alka Kumari alias Alka Kaur' pending in the Court of Additional Civil Judge (Sr. Divn.), Baba Bakala Sahib, District Amritsar to the Court of competent jurisdiction at Pathankot.

According the applicant, the marriage performed between the parties on 12.12.2010 did not work though the couple was blessed with a female child namely Deepanshi Kaur born on 7.8.2012. The applicant along with minor daughter had to leave the matrimonial home and start residing with her parents at VPO Sunderchak, Police Station Sujampur, Tehsil and District Pathankot. She has filed a petition under Section 125 Cr.P.C. for herself and on behalf of the minor daughter against the respondent in the Court at Pathankot. The respondent-husband

has filed the petition in question against the applicant as a pressure tactic. The applicant being a young woman, having no source of income, taking care of minor daughter of the parties and her father being of old age suffering from various ailments, it is difficult for her to travel from Pathankot to Baba Bakala covering a distance of 110 kms on one side 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr.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.), Baba Bakala Sahib District Amritsar and transferred to Family Court at Pathankot for disposal in accordance with law.

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.), Baba Bakala Sahib District Amritsar as well as to the Family Court at Pathankot for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 13, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No