

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

TA-51-2019 (O&M)

Date of decision: 22.08.2019

Jatinder Kaur

...Applicant

Versus

Bachittar Singh Kalra

...Respondent

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

Present: Mr. G.S. Bhatia, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Jatinder Kaur, aged about 36 years, estranged wife of respondent Bachittar Singh Kalra, presently residing with her parents at Amritsar, on account of differences between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Bachittar Singh Vs. Jatinder Kaur' pending in the Court of Civil Judge (Sr. Divn.), Patiala to the Court of competent jurisdiction at Amritsar.

According to the applicant, she was married with respondent on 09.06.2017. It was a second marriage for the applicant who was a divorcee, having a daughter from her first marriage. The matrimonial alliance between the parties ran into rough weather, with the result applicant left the matrimonial home and came to reside with her parents at Amritsar. She does not have any source of income. She is

to look after minor daughter from her first marriage. Her mother has expired and father is aged about 82 years. She has filed a petition under Section 125 Cr.P.C. against the respondent in a Court at Amritsar, where the respondent is appearing. She has lodged a police complaint against the respondent. The respondent has filed the petition in question against the applicant as a tool of harassment and inconvenience. Under the circumstances, it is difficult for the applicant to travel from her parental place to Patiala to attend the dates of hearing in the Court there, covering a distance of about 240 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served but did not appear 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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Divn.), Patiala and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 25.09.2019. Copies of orders be sent to both the Courts for

information and necessary compliance.

22.08.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No