

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

T.A. No. 50 of 2019

DATE OF DECISION :- October 31, 2019

Hardeep Kaur

...Applicant

Versus

Parminder Singh

...Respondent

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

Present:- Ms. Naseem Yadlapati, Advocate
for Mr. Sarju Puri, Advocate for the applicant.

Applicant Hardeep Kaur, aged about 28 years, estranged wife of Parminder Singh-respondent, presently residing with her widowed mother at village Chuaharpur, Tehsil Nawanshahr, District SBS Nagar on account of matrimonial discord 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 Parminder Singh against her having title 'Parminder Singh Vs. Hardeep Kaur' pending in the Court of Additional Civil Judge (Sr. Division), Hoshiarpur to the Court of competent jurisdiction at Shaheed Bhagat Singh Nagar.

According to the applicant, the marriage performed between the parties on 13.11.2014 ran into rough weather though the couple was blessed with a male child namely master Gaurav who was aged about 4 years at the time of filing of the application. The applicant was harassed and maltreated by the respondent as a result she had to leave the matrimonial home and start residing with her widowed mother along with her minor son. She had no other place to go except the house of her widowed mother. The applicant does not have any source of income and is dependent upon her widowed mother. The applicant along with minor son of the

parties had filed a petition under Section 125 Cr.P.C. against the respondent in the Court at Nawanshahar (Shaheed Bhagat Singh Nagar) and notice thereof has been issued to the respondent. The respondent has filed petition in question against her in the Court at Hoshiarpur just to harass her. Under the circumstances, it is difficult for her to travel from SBS Nagar to Hoshiarpur so as 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. Division), Hoshiarpur and transferred to Family Court at Shaheed Bhagat Singh Nagar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 2.12.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Hoshiarpur as well as to the Family Court at Shaheed Bhagat Singh Nagar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

October 31, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No