

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 225 of 2019 (O&M)

Date of decision : 26.8.2019

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Davinder Kaur

.....Applicant

vs.

Jugraj Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vikas Gupta, Advocate for the applicant.

None for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Davinder Kaur, aged about 23 years, estranged wife of Jugraj Singh-respondent presently residing with her parents at village Rasulpur, Tehsil and District Tarn Taran, on account of differences with her husband, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Jugraj Singh vs. Davinder Kaur' pending in the Court of Additional Chief Judicial Magistrate, Ferozepur, to a Court of competent jurisdiction at Tarn Taran.

According to the applicant, she was married with the respondent on 14.5.2017, at Tarn Taran. After marriage, the spouses started residing together. The marriage was consummated. However, they were not blessed with any child. The respondent and his relatives harassed and maltreated the applicant, so to force her to bring more dowry articles from her parents, which demands she could not get fulfilled. Ultimately, she was turned out of the matrimonial home, after giving merciless beatings on 12.8.2017. She had no other place to go except the house of her parents at village Rasulpur, Tehsil and District Tarn Taran. The respondent has filed the petition in question against the applicant to harass and humiliate her. According to the applicant, she is a young woman, having no source of income and it is difficult for her to travel from her parental place to Ferozepur, to attend the dates of hearing in Court there, covering a distance of 90 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served, but did not put in appearance 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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Additional Chief Judicial Magistrate, Ferozepur, is withdrawn from that Court and transferred to the Court of District Judge, Tarn Taran, for disposal in accordance with law.

The District Judge, Tarn Taran may retain the petition on his Board or transfer it to any other Court of competent jurisdiction. Parties are directed to appear there on 30.9.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

26.8.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No