

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

T.A. No. 286 of 2019

DATE OF DECISION :- August 14, 2019

Rippendeep Kaur

...Applicant

Versus

Gursewak Singh

...Respondent

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

Present:- None for the applicant.

None for the respondent.

Applicant Rippendeep Kaur, aged about 27 years, wife of Gursewak Singh-respondent, presently residing with her parents at Village Sohal, Tehsil and District Gurdaspur on account of matrimonial 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. Rippendeep Kaur' pending in the Court of Additional Civil Judge (Sr. Divn.), Amritsar to the Court of competent jurisdiction at Gurdaspur.

According to the applicant, the marriage performed between the parties on 6.12.2015 ran into rough weather though the couple was blessed with a female child namely Ishneet Kaur born on 15.2.2018. The applicant was forced to leave the matrimonial home along with minor daughter of the parties. They had no other place to go except the house of parents of the applicant at Village Sohal, Tehsil and District Gurdaspur; that the applicant does not have any source of income. She has filed a petition under Section 125 Cr.P.C. for grant of maintenance for her as well as for minor daughter.

She has further instituted a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 against the respondent. All the petitions have been filed in the Courts at Gurdaspur. As a counter blast, the respondent has filed petition under Section 9 of the Hindu Marriage act for restitution of conjugal rights against the applicant at Amritsar. According to the applicant, in view of the circumstance, it is difficult for her to travel from her parental place to Amritsar 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.

Keeping in view the contentions in the application, 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr.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.), Amritsar and transferred to Family Court at Gurdaspur for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 17.9.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Amritsar as well as to the Family Court at Gurdaspur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

August 14, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No