

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

T.A. No. 489 of 2019

DATE OF DECISION :- December 04, 2019

Balwinder Singh

...Applicant

Versus

Harmanpreet Kaur

...Respondent

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

Present:- Mr. I.P. Singh, Advocate for the applicant.

Mr. P.S. Kanwar, Advocate for the respondent.

Applicant Balwinder Singh, by way of filing the instant application seeks transfer of petition under Sections 9 and 24 of the Hindu Marriage Act filed by the respondent having title 'Harmanpreet Kaur Vs. Balwinder Singh' pending in the Court of Principal Judge, Family Court, Hoshiarpur to the Court of competent jurisdiction at Chandigarh.

Notice of the application was given to the respondent, who has appeared through her counsel.

I have heard learned counsel for the parties besides going through the record.

The marriage between the parties was solemnized on 21.10.2007. The respondent has filed petition under Sections 9 and 24 of the Hindu Marriage Act against the applicant at Hoshiarpur. The respondent approached the Hon'ble Supreme Court of India seeking transfer of the divorce petition from the Family Court of Vadodara on the ground that petitions under Sections 9 and 24 are

pending at Hoshiarpur. The Hon'ble Supreme Court of India vide order dated 18.5.2018 directed that the proceedings in the Hindu Marriage Petition No. 920 of 2017 titled 'Balwinder Joginder Saini V. Harmanpreet Kaur' on the file of Family Court at Vadodara, Gujarat shall stand transferred to the Family Court of competent jurisdiction at Chandigarh for hearing and disposal in accordance with law and it will be open to the parties to seek clubbing of all the matters, if any, pending between them in accordance with law. The said order was passed ex-parte and liberty was granted to the applicant, if aggrieved against the said order. Copy of the order passed by Hon'ble Supreme Court of India is annexed as Annexure P1.

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 The petition in question is ordered to be withdrawn from the Court of Principal Judge, Family Court, Hoshiarpur and transferred to the Court of District Judge, Chandigarh for disposal in accordance with law. Learned District Judge, Chandigarh may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 8.1.2020. Copies of orders be sent to the Court of Principal Judge, Family Court, Hoshiarpur as well as to the Court of District Judge, Chandigarh for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 04, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No