

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

T.A. No. 353 of 2019

DATE OF DECISION :- October 24, 2019

Sukhwinder Kaur

...Applicant

Versus

Narinder Pal Singh

...Respondent

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

Present:- Mr. A.K. Saini, Advocate for the applicant.

Applicant Sukhwinder Kaur, aged about 26 years, wife of Narinder Pal Singh-respondent, presently residing with her parents at Patiala, 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 Narinder Pal Singh against her having title 'Narinder Pal Singh Vs. Sukhwinder Kaur' pending in the Court of Additional Civil Judge (Sr. Division), Sunam to the Court of competent jurisdiction at Patiala.

According to version of the applicant, the marriage performed between the parties on 17.04.2011 did not work. Though the couple was blessed with two sons. The elder one is namely Sharandeep Singh, aged about 6 years and younger one is Gagandeep Singh, aged about 5 years. On account of cruelty and harassment meted out to the applicant she along with two minor sons of the parties were forced to leave the matrimonial home. She had no other place to go except house of her parents. She does not have any source of income. She has filed a petition under Section 12 of Protection of Women from domestic Violence Act, 2005 against the respondent and his parents in the Court at Patiala where the respondent has already put in appearance. As a counter blast the respondent has

filed the petition in question against her in the Court at Sunam. Under the circumstances, it is difficult for her to travel from her parental place to Sunam (Sangrur) 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 was duly served and had put in appearance through his counsel but today nobody has appeared despite the fact that today is the final opportunity for arguments, therefore, I proceed further to decide the application after hearing learned counsel for the applicant and going through the record.

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), Sunam and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 25.11.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Sunam as well as to the Family Court at Patiala for information and necessary compliance.

(H.S. MADAAN)
JUDGE

October 24, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No