

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

TA-364-2019 (O&M)

Date of decision: 24.07.2019

Narinder Kaur

...Applicant

Versus

Subhash Chand

...Respondent

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

Present: Ms. Manjari Joshi, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Narinder Kaur, aged about 26 years, estranged wife of respondent Subhash Chand, presently residing with her parents at Jalandhar, on account of differences between the parties, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Subhash Chand Vs. Narinder Kaur' pending in the Court of Addl. Civil Judge (Sr. Divn.), Mukerian to the Court of competent jurisdiction at Jalandhar.

As per version of the applicant, the marriage solemnized between the parties on 30.04.2013 at Jalandhar did not work on account of greed of respondent and his family members for more dowry. The couple was blessed with a son on 16.08.2014. The applicant while in the family way, was beaten up and turned out of the matrimonial home. She had no other place to go except the house of

her parents at Jalandhar. She has given birth to a son at her parental house, who is presently aged about 05 years. She has filed a petition under Section 125 Cr.P.C against the respondent for herself and the minor son in Court at Jalandhar, which is pending. She has also filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent and his relatives, in Court at Jalandhar. The applicant being a young woman, taking care of minor son of the parties, having financial constraints, it is difficult for the applicant to travel from Jalandhar to Mukerian to attend the dates of hearing in the Court there, covering a distance of about 78 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served but did not appear 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 The petition in question is ordered to be withdrawn from the Court of Addl. Civil Judge (Sr. Divn.), Mukerian and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties are directed to appear in the transferee Court

on 27.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

24.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No