

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

T.A. No. 411 of 2019

DATE OF DECISION :- November 01, 2019

Shashi Prabha

...Applicant

Versus

Hardeep Singh

...Respondent

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

Present:- Mr. Vishal Singh Chauhan, Advocate for the applicant.

Applicant Shashi Prabha, aged about 27 years, estranged wife of Hardeep Singh-respondent, presently residing with her parents at Village Kathgarh, Teshil Balachaur, District Shaheed Bhagat Singh Nagar 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 Hardeep Singh against her having title 'Hardeep Singh vs. Shashi Prabha' pending in the Court of Additional Civil Judge (Sr. Divn.), Jagraon to the Court of competent jurisdiction at Shaheed Bhagat Singh Nagar.

According to the applicant, the marriage performed between the parties on 25.11.2016 ran into rough weather. Though the couple was blessed with a male child namely Ramanjeet Singh. The applicant was ultimately thrown out of the matrimonial home by the respondent after giving severe beatings in the last week of August, 2018. She is residing with her parents since then. She has filed a petition under Section 125 Cr.P.C. for grant of maintenance before Family Court, Shaheed Bhagat Singh Nagar and the case is

being taken up at Balachaur. The respondent has filed the petition in question against the applicant as a pressure tactic. It is difficult for her to travel from Balachaur to Jagraon 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 through his counsel but he has not turned up 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.), Jagraon and transferred to Family Court at Shaheed Bhagat Singh Nagar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 02.12.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Jagraon as well as to the Family Court at Shaheed Bhagat Singh Nagar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 01, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No