

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

TA-1067-2017 (O&M)

Date of decision: 08.02.2019

Sarvjeet Kaur

...Applicant

Versus

Harpal Singh

...Respondent

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

Present: Ms. Bhavna Grewal, Advocate
for the applicant.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 9 of the Hindu Marriage Act titled as 'Harpal Singh Vs. Sarvjeet Kaur' pending in the Court of District Judge, Patiala to the Court of competent jurisdiction at Yamunanagar at Jagadhri has been filed by applicant Sarvjeet Kaur, estranged wife of respondent-Harpal Singh.

According to the applicant, on account of a marital dispute between the spouses, she had to leave the matrimonial home and start residing with her parents at Yamunanagar. The applicant being a young woman having no source of income, it is difficult for her to travel from Yamunanagar to Patiala, covering a distance of 120 kms on one side to attend the dates of hearing in Court there. Further, she has filed a petition under Section 125 Cr.P.C., against her husband-the respondent, which is pending in the Court at Yamunanagar at Jagadhri, where respondent has already put in appearance. The applicant has initiated proceedings under

Sections 498-A and 406 IPC against the respondent and his family members, which are also pending before the Court at Yamunanagar at Jagadhri. The respondent has filed petition under Section 9 of the Hindu Marriage Act against the applicant just to harass her. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who put in appearance. The matter was referred to mediation and conciliation centre of this Court, however, mediation did not prove successful and the case was sent back to this Court. Thereafter, nobody appeared on behalf of the respondent in the Court on the last date of hearing. Similar is the position today.

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 The petition in question is ordered to be withdrawn from the Court of District Judge, Patiala and transferred to Family Court at Yamunanagar at Jagadhri for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 11.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

08.02.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No