

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1006 of 2018 (O&M)

Date of decision : 11.2.2019

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Kuldeep Kaur

.....Applicant

vs.

Iqbal Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vikas Garg, Advocate for
Mr. Vivek Goel, Advocate for the applicant.

Mr. A.S. Sekhon, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

By way of moving present application, applicant – Kuldeep Kaur, aged about 31 years, wife of Iqbal Singh, presently residing with her parents at village Behbal Kalan, Tehsil Jaito, District Faridkot, on account of a marital dispute between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Iqbal Singh vs. Kuldeep Kaur' pending in the Court of Civil Judge (Senior Division), Ferozepur, to

a Court of competent jurisdiction at District Faridkot.

According to the applicant, the marriage performed between the spouses on 21.2.2010, did not work though she had given birth to a son, namely, Master Amanbir Singh, who is presently aged about 7 years and is residing with her. She alongwith minor son of the parties had to leave the matrimonial home and start living with her parents at village Behbal Kalan, Tehsil Jaito, District Faridkot. She has filed a petition under Section 125 Cr.P.C. against her husband which is pending before Family Court Faridkot. As a pressure tactic, her husband has filed a petition under Section 9 of the Hindu Marriage Act, in the Court at Ferozepur. She being a young married woman, required to take care of minor son of the parties, without no source of income, it is difficult for her to go from her parental place to Ferozepur, to attend the dates of hearing there. Therefore the application be accepted.

Notice of the application was given to the respondent, who has put in appearance and vehemently opposing the application contending that distance between the two places is only 30 kms and applicant can very well cover that distance and her appearance in the Court on each and every date of hearing is not required. Therefore, the application be dismissed.

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

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Civil Judge (Senior division) Ferozepur, is withdrawn from that Court and transferred to the Family Court at Faridkot, for disposal in accordance with law. Parties through counsel are directed to appear there on 12.3.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

11.2.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No