

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

TA-1020-2018 (O&M)

Date of decision: 16.01.2019

Ganga

...Applicant

Versus

Bittu Ram

...Respondent

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

Present: Mr. Vishavjeet Singh, Advocate
for the applicant.

None for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Ganga aged about 29 years wife of respondent Bittu Ram, presently residing with her parents at Village and Post Office Laddowal, Tehsil & District Ludhiana is seeking transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her having title 'Bittu Ram Vs. Ganga' pending in the Court of Addl. Civil Judge (Sr. Divn.) Mansa to the Court of competent jurisdiction at Ludhiana.

According to the applicant, marriage between the parties which was performed on 12.11.2008 did not work though applicant had given birth to a son namely Manpreet Singh presently aged about 08 years and a daughter namely Preeti presently aged about 03 years from the loins of the respondent. Circumstances were so created by the

respondent that the applicant had to leave the matrimonial home along with minor son of the parties. The applicant is residing with her parents at village Laddowal. The respondent has filed a petition under Section 9 of the Hindu Marriage Act against her which is pending in the Court at Mansa. Applicant being a young woman having financial constraints taking care of infant son of the parties, it is difficult for her to travel from Ludhiana to Mansa to attend the dates of hearing at Mansa more particularly when her father has expired and there is no adult male member in her family to accompany her that she has filed a petition under Protection of Woman from Domestic Violence Act in Court at Ludhiana. She has also filed a petition seeking custody of minor daughter of the parties in District Court at Ludhiana, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served but had not put in appearance.

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.) Mansa and transferred to the Court of Addl. Civil Judge (Sr. Divn.), Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 13.02.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

16.01.2019
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(H.S. MADAAN)
JUDGE

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