

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1023 of 2018 (O&M)

Date of decision : 15.1.2019

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Lovepreet Kaur

.....Applicant

vs.

Bhupinder Singh

.....Respondent

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

Present: Mr. Rahul Rampal, Advocate for the applicant.

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H. S. Madaan, J. (Oral)

Applicant – Lovepreet Kaur, aged about 33 years, estranged wife of Bhupinder Singh - respondent, presently residing with her parents at Village Battari, Tehsil and District Ludhiana, by way of filing the present application under Section 24 CPC, is seeking transfer of divorce petition filed by her husband, against her, having title 'Bhupinder Singh vs. Lovepreet Kaur' pending in the Court of Additional District Judge, Jalandhar, to a Court of competent jurisdiction at Ludhiana.

According to the applicant, she was married with respondent on 15.10.2008. Thereafter both spouses started residing together and the applicant had given birth to two children i.e. one daughter aged

9 years, namely, Nimarta Kaler and one son aged 5 years, namely Nikash, from the loins of respondent. However, the spouses could not pull on together and a matrimonial discord arose between them. Applicant alongwith minor children of the parties, left the matrimonial home and started residing with her parents at village Battari, Tehsil and District Ludhiana. She has filed a petition under Section 12 of the Domestic Violence Act in the Court at Ludhiana. Respondent had filed a petition under the Guardian and Wards Act at Jalandhar. However, it was returned by the said Court for lack of territorial jurisdiction. The respondent has filed the divorce petition at Jalandhar, to pressurise the applicant. There is no adult male member in the family to accompany the applicant to attend the dates of hearing in Court at Jalandhar. The applicant does not have any source of income and is dependent upon her widowed old aged mother. The applicant having financial constraints with no adult male member in the family to accompany her and required to take care of minor children of the parties, it is difficult for her to travel from her parental place to Jalandhar, covering a distance of about 80 kms on one side, to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who has been duly served, but has not opted to offer the contest.

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

Keeping in view the assertions in the application and submissions made by learned counsel for the applicant, I find that

ends of justice demand that the application should be accepted.

Accordingly, the application is accepted. The petition in question pending in the court of Additional District Judge, Jalandhar, is withdrawn from that Court and transferred to the Family Court, at Ludhiana, for disposal in accordance with law. Parties through counsel are directed to appear there on 8.2.2019.

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

15.1.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No