

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1045 of 2018 (O&M)

Date of decision : 14.1.2019

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Manmeet Kaur

.....Applicant

vs.

Sarabjit Singh

.....Respondent

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

Present: Mr. K.S. Brar, Advocate for the applicant.

Ms. Avneet K. Brar, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Manmeet Kaur, aged about 32 years, estranged wife of Sarabjit Singh - respondent, presently residing with her parents at Ferozepur, by way of filing present application under Section 24 CPC, is seeking transfer of petition under Section 13 of Hindu Marriage Act, 1955, filed by her husband, against her, having title 'Sarabjit Singh vs. Manmeet Kaur' pending in the Court of District Judge, Family Court, Faridkot, to a Court of competent jurisdiction at Ferozepur.

As per case of the applicant, her marriage with respondent which was solemnized on 22.2.2015. Thereafter they started living

together. The marriage was consummated and the applicant gave birth to a female child from the loins of the respondent. The attitude of the respondent with applicant was not proper and she used to be harassed and maltreated by him and his family members on account of demand of more dowry. Ultimately, she was forced to leave the matrimonial home alongwith the minor daughter. She has lodged an FIR against the respondent and his family members for offence under Section 498-A IPC with Police Station District Ferozepur. She has filed a maintenance application against him, which is pending in the Court of Chief Judicial Magistrate, Ferozepur. In addition to that she has instituted a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, against respondent which is pending in the court at Ferozepur. Now the respondent, as a pressure tactic, has filed divorce petition against the applicant in Court at Faridkot. The applicant being a young woman, required to take care of the infant daughter of the parties, with no source of income, it is difficult for her to travel from Ferozepur to Faridkot, covering a distance of 40 kms, on one side, to attend the dates of hearing there. Therefore, the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel.

The application is being opposed vehemently, by counsel for the respondent stating that distance between the two places is hardly 30 kms and applicant can travel that distance to attend the dates of hearing and the applicant is appearing in the Court at Faridkot in a criminal case got registered by the respondent against her.

After hearing learned counsel for the parties and going through the record, 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 District Judge, Family Court, Faridkot, is withdrawn from that Court and transferred to the Court of District Judge, Ferozepur, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties through counsel are directed to appear there on 11.2.2019.

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

14.1.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No