

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

TA-1057-2018 (O&M)

Date of decision: 04.02.2019

Sukhwant Kaur

...Applicant

Versus

Varinderpal Singh

...Respondent

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

Present: Mr. Peeush Gagneja, Advocate
for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Sukhwant Kaur, aged about 31 years, wife of respondent Varinderpal Singh, presently residing with her parents at Zira, District Ferozepur on account of matrimonial discord with her husband by way of moving the present application seeks transfer of divorce petition filed by her husband, the respondent against her having title 'Varinderpal Singh Vs. Sukhwant Kaur' pending in the Court of Addl. District Judge, Patiala to the Court of competent jurisdiction at Ferozepur.

According to the applicant, the marriage performed between the parties on 05.07.2012 ran into rough weather on account of cruel treatment meted out to her by the respondent and his family members in connection with demand of dowry and an attempt by father in-law to rape her etc. The applicant had given birth to a female child from the loins of respondent on 23.04.2013 who is presently residing with the applicant.

She has filed a petition under Section 125 Cr.P.C., against her husband which is pending in the Court within District Ferozepur. She has also lodged a criminal case against the respondent and his family members besides seven other cases in Courts situated within District Ferozepur. As a pressure tactics, respondents has filed the divorce petition against her in Court at Patiala. Being a young woman without having any source of income, looking after minor daughter of the parties, it is difficult for her to travel from Zira to Patiala covering a distance of about 225 kms on one side to attend the dates of hearing in Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who has been duly served through counsel in the trial Court but he has not opted to appear and offer a contest.

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 The petition in question is ordered to be withdrawn from the Court of Addl. District Judge, Patiala and transferred to the Court of learned District Judge, Ferozepur for disposal in accordance with law. Learned District Judge, Ferozepur may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in

the transferee Court on 07.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

04.02.2019

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(H.S. MADAAN)
JUDGE

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