

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

T.A. No. 1073 of 2018

DATE OF DECISION :- March 14, 2019

Jasvir Kaur

...Applicant

Versus

Lovedeep Singh

...Respondent

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

Present:- Mr. Amit Kumar Walia, Advocate for the applicant.

By way of filing the present application, applicant Jasvir Kaur, aged about 26 years, estranged wife of Lovedeep Singh-respondent presently residing with her parents at Village Kheri, Tehsil and District Sangrur, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Lovedeep Singh against her having title 'Lovedeep Singh Vs. Jasvir Kaur' pending in the Court of Civil Judge (Sr. Division), Nabha, District Patiala to the Court of competent jurisdiction at Sangrur.

According to the applicant, the marriage solemnized between the parties on 13.2.2012 at Sangrur ran into rough weather, however, the couple was blessed with a male child. According to the applicant, her other sister Rajvir Kaur was married with brother of respondent namely Jagdeep Singh; that Rajvir Kaur was also maltreated. Both the sisters were forced to

leave the matrimonial home and they had no other place except to go back to house of their parents. According to the applicant, she is taking care of minor son of the parties. She has filed a petition under Section 125 Cr.P.C. against the respondent claiming maintenance for herself and minor son where the respondent has put in appearance in the Court at Sangrur. Interim maintenance has been granted to them. She has also filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent in the Court of CJM, Sangrur where also the respondent has appeared. As a pressure tactic, the respondent has filed petition in question against the applicant. The applicant being a young woman, taking care of minor son of the parties, it is difficult for her to travel from Sangrur to Nabha covering a distance of about 60 kms on one side so as to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up to 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 Civil Judge (Sr. Division), Nabha, District Patiala and transferred to the Court of District Judge, Sangrur for disposal in accordance with law. Learned District Judge, Sangrur 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 25.4.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Division), Nabha, District Patiala as well as to the Court of District Judge, Sangrur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 14, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No