

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

TA-1089-2018 (O&M)

Date of decision: 07.02.2019

Kamaljeet Kaur

...Applicant

Versus

Dharminder Singh

...Respondent

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

Present: Mr. N.S. Chahal, Advocate
for the applicant.

H.S. MADAAN, J. (Oral)

Notice sent for the service of respondent through trial Court counsel received back with the report that notice be sent to respondent directly. This report by learned counsel is not justified. He being the counsel representing the respondent in the trial Court should have accepted the service as directed by this Court, therefore, there is no necessity of issuing fresh notice to the respondent.

Heard.

Applicant Kamaljeet Kaur, aged about 30 years, wife of respondent Dharminder Singh, presently residing at Village Sanour, Tehsil and District Patiala, by way of moving the present application seeks transfer of petition under Section 12 of the Hindu Marriage Act, 1955 filed by her husband, the respondent against her having title 'Dharminder Singh Vs. Kamaljeet Kaur' pending in the Court of learned

District Judge, Bathinda to the Court of competent jurisdiction at Patiala.

According to the applicant, there is a distance of 156 kms from Village Sanour to Bathinda on one side. She is taking care of her minor children. She is not having any source of income. It is difficult for her to travel from her village to Bathinda to attend the dates of hearing in Court there. She has filed a petition under Section 125 Cr.P.C., against the respondent which is pending in the Court of JMIC, Patiala. As such, the present application be accepted.

Notice of the application was given to the respondent but he has not turned up.

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 The petition in question is ordered to be withdrawn from the Court of District Judge, Bathinda and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 08.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

07.02.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No