

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

T.A. No. 311 of 2018

DATE OF DECISION :- February 06, 2019

Shalu Sharma

...Applicant

Versus

Balkar Singh

...Respondent

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

Present:- Mr. S.S. Nain, Advocate for the applicant.

By way of filing the present application, applicant Shalu Sharma, aged about 30 years, estranged wife of Balkar Singh-respondent, presently residing with her parents at Village Jampur, Tehsil and District Mohali, on account of matrimonial dispute with her husband, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Balkar Singh against her having title 'Balkar Singh Vs. Shalu Sharma' pending in the Court of Additional Civil Judge (Sr. Division), Rajpura, District Patiala to the Court of competent jurisdiction at Mohali.

Interalia in the application it is contended that the marriage between the parties which was performed on 27.4.2017 ran into rough weather on account of cruel treatment given to her by the respondent and his family members in connection with demand of more dowry. She had to leave the matrimonial home and start residing with her parents. She has filed a petition under Section 125 Cr.P.C. to get maintenance and another petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 in the Courts at Mohali against the respondent and his family members. It is difficult

for her to travel from Mohali to Rajpura covering a distance of about 40 kms 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 was duly served but did not opt 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Division), Rajpura, District Patiala and transferred to the Court of District Judge, Mohali for disposal in accordance with law. Learned District Judge, Mohali 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 8.3.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Rajpura, District Patiala as well as to the Court of District Judge, Mohali for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 06 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No