

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

TA-892-2017 (O&M)

Date of decision: 04.02.2019

Harpreet Kaur

...Applicant

Versus

Davinder Singh

...Respondent

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

Present: Mr. S.S. Chatrath, Advocate
for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Harpreet Kaur, aged about 35 years, estranged wife of respondent Davinder Singh, presently residing with her parents at Village Nathuwal, Tehsil Tohana, District Fatehabad (Haryana) on account of marital differences between the spouses by way of moving the present application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her having title 'Davinder Singh Vs. Harpreet Kaur' pending before District Judge, Family Court Batala, District Gurdaspur to the Court of competent jurisdiction at Tohana.

According to the applicant, marriage performed between the parties on 19.08.2000 ran into rough weather. Applicant had given birth to two female children, namely Simranjit Kaur aged about 14 years and Poonamjit Kaur aged about 12 years at the time of filing of the present

application. On account of circumstances so created by the respondent, the applicant along with minor daughters of the parties had to leave the matrimonial home and start residing with her aged parents at Village Nathuwal, Tehsil Tohana, District Fatehabad. The applicant does not have any source of income. The applicant has lodged an FIR under Sections 498-A and 323 IPC against the respondent with Police Station Jakhal, Tohana. As a pressure tactics, respondent has filed the petition in question. The applicant being a young woman taking care of two minor daughters of the parties, on account of financial constraints without there being any young adult male member in her family to accompany her, it is difficult for her to go from her parental place to Batala covering a distance of about 300 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 and put in appearance through counsel. Subsequently, he stopped appearing.

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 Family Court Batala, District Gurdaspur and transferred to the Court of senior most Civil Judge at Tohana, District Fatehabad.

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.

04.02.2019

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(H.S. MADAAN)
JUDGE

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