

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

TA-394-2018 (O&M)

Date of decision: 06.02.2019

Sukhwinder Kaur

...Applicant

Versus

Kulvir Singh

...Respondent

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

Present: Mr. Ajay Singla, Advocate
for the applicant.

Mr. Dinesh Kumar, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Sukhwinder Kaur, aged about 33 years, wife of respondent Kulvir Singh, presently residing with her parents at Village Mataur, District SAS Nagar, Mohali on account of a marital dispute between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her having title 'Kulvir Singh Vs. Sukhwinder Kaur' pending in the Court of Addl. Civil Judge (Sr. Divn.), Khamanon to the Court of competent jurisdiction at SAS Nagar, Mohali.

According to the applicant, marriage was solemnized between the parties on 07.02.2014. Thereafter, the spouses started residing together. The couple was not blessed with any child. After the marriage, the applicant was harassed and maltreated by the respondent

and his family members in connection with demand of more dowry. The applicant discovered that respondent is a drug addict. Under the circumstances, the applicant had to leave the matrimonial home and start residing with her parents. The applicant had submitted a written complaint to the police. The matter was settled between the parties and respondent agreed to give Rs.40 lacs to the applicant towards full and final settlement of all type of her claims. That amount was in fact given in the form of two cheques of Rs.20 lacs each, however, both the cheques were dishonoured and the applicant has filed two complaints under Section 138 of the Negotiable Instruments Act against the respondent. According to the applicant, though she has started practice as an Advocate at Punjab and Haryana High Court at Chandigarh but she is still dependent upon her parents for meeting her financial requirements. The respondent has filed petition under Section 9 of the Hindu Marriage Act at Khamanon just to harass the applicant, who is having financial constraints and finds it difficult to go from Mohali to Khamanon to attend the dates of hearing in the Court there covering a distance of about 45 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who has appeared through counsel. The application is being contested vehemently stating that no ground for transfer of application is made out.

I have heard learned counsel for the parties 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. Civil Judge (Sr. Divn.) Khamanon and transferred to the Court of learned 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 08.03.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

06.02.2019

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(H.S. MADAAN)
JUDGE

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