

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 406 of 2018 (O&M)

Date of decision : 20.2.2019

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Jaswinder Kaur

.....Applicant

vs.

Nirmaljit Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. Puja Chopra, Advocate for the applicant.

Mr. Mohit Sadana, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Jaswinder Kaur, aged about 37 years, wife of Nirmaljit Singh, presently residing with her parents at Patiala, on account of difference between the spouses, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Nirmaljit Singh vs. Jaswinder Kaur' pending in the Court of Additional Civil Judge (Senior Division), Sangrur, to a Court of competent jurisdiction at Patiala.

According to the applicant, this is her second marriage, though first one for the respondent, which was solemnized on

24.11.2014, at Patiala. Thereafter, they started residing together. The marriage was consummated and she gave birth to a male child, namely, Kamalveer Singh, from loins of the respondent, who was aged about 1 ½ years at the time of filing of application. According to the applicant, after the marriage she was harassed and treated with cruelty by the respondent and his family members, on account of demand of dowry. She was forced to leave the matrimonial home while she was in family way. She gave birth to the male child at her paternal house. News in that regard was conveyed to the respondent and his family, but they did not bother to visit her and newly born child. Then the matter was reconciled and applicant alongwith minor child returned to the matrimonial home. Again both of them were again forced to leave the matrimonial home on 8.6.2017. the applicant had submitted a complaint to the police, where the matter was compromised. The respondent agreed to pay maintenance to the applicant and child for two months and to visit them at paternal house of the applicant, but he did not comply with the terms and rather filed a petition under Section 9 of the Hindu Marriage Act, which is pending in the Court at Sangrur. The applicant being a poor woman, taking care of the minor son of the parties, it is difficult for her to travel from Patiala to Sangrur to attend the dates of hearing there. Therefore the application be accepted.

Notice of the application was given to the respondent, who has appeared and has opposed the application contending that Patiala and Sangrur are well connected by road and applicant can easily travel the distance, so as to put in appearance in the Court at Sangrur

and no ground is made out to accept the application.

I have heard learned counsel for the parties, besides going through the record.

Keeping in view the facts and circumstances of the case and contentions in the application and submissions made by learned counsel for the applicant, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Additional Civil Judge (Senior Division), Sangrur, is withdrawn from that Court and transferred to the Family Court, Patiala, for disposal in accordance with law. Parties through counsel are directed to appear there on 18.3.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

20.2.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No