

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

TA-462-2018(O&M)

Date of decision:-13.3.2019

Baljit Kaur

...Applicant

Versus

Saranjit Singh Bains

...Respondent

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

Present : Mr.Vijay Lath, Advocate
for the applicant.

Mr.Gurmeet Singh, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Baljit Kaur, aged about 35 years, estranged wife of respondent – Saranjit Singh Bains, presently residing with her parents at village Rehpa, Post Office Hakimpur, Tehsil Banga, District Shaheed Bhagat Singh Nagar, Punjab seeks transfer of petition under Section 13 of the Hindu Marriage Act titled 'Saranjit Singh Versus Baljit Kaur' pending in the Court of Additional District Judge, Hoshiarpur to Additional District Judge, Family Court at Shaheed Bhagat Singh Nagar, Punjab.

Inter alia, it is contended by the applicant that the marriage solemnized between the parties on 9.3.2003 did not work, though the

couple was blessed with a son, namely, Kunal Bains born on 30.1.2004; that the respondent is residing abroad since the year 2004 and presently he is in America; that the respondent used to visit India at times and reside with the applicant; that with the consent of respondent, the applicant used to reside at her parental house; that the applicant used to visit her matrimonial house at Garhshankar also; that minor son of the parties is studying in 9th standard in a school at Mukundpur, District Shaheed Bhagat Singh Nagar; that the applicant was harassed by members of her in-laws family and under influence of his parents respondent-husband has filed a divorce petition, though in the first half of year 2017 on his visit to India, he had cohabited with the applicant; that the applicant has filed a petition under Section 125 Cr.P.C. claiming maintenance for herself and minor son against the respondent before District Judge, Family Court, Shaheed Bhagat Singh Nagar and she has also filed a petition under Section 9 of the Hindu Marriage Act in that very Court. According to the applicant, she being a young woman, taking care of minor son of the parties having financial constraints, it is difficult for her to travel from Shaheed Bhagat Singh Nagar to Hoshiarpur covering a distance of about 62 kms. on one side to attend the dates of hearing. She has further contended that the respondent – husband is residing abroad and he would not be affected even if the case is transferred to Family Court at Shaheed Bhagat Singh Nagar. Therefore, the application be accepted.

Notice of the application was given to the respondent, who put in appearance and filed written reply contesting the application praying that no ground for transfer of the divorce petition is made out.

Therefore, the application in question be dismissed.

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.

Therefore, the application stands allowed and the petition under Section 13 of Hindu Marriage Act pending in the Court of Additional District Judge, Hoshiarpur is ordered to be transferred to the Family Court, Shaheed Bhagat Singh Nagar. The parties are directed to appear before District Judge, Family Court, Shaheed Bhagat Singh Nagar on 24.4.2019.

Copy of this order be sent to District & Sessions Judge, Hoshiarpur as well as District Judge, Family Court, Shaheed Bhagat Singh Nagar for information and necessary compliance.

(H.S.MADAAN)
JUDGE

13.3.2019
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No