

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

TA-537-2018 (O&M)
Date of decision: 08.07.2019

Kiran Bala

...Applicant

Versus

Balbir Singh

...Respondent

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

Present: Mr. Harish Mehla, Advocate for the applicant.

None for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 13 of the Hindu Marriage Act titled 'Balbir Singh Vs. Kiran Bala' pending in the Court of District Judge, Family Court, Karnal to the Court of competent jurisdiction at Kaithal, has been filed by applicant Kiran Bala, aged about 40 years, estranged wife of respondent Balbir Singh, presently residing with her parents at Kaithal, on account of differences between the spouses.

According to the applicant, she is not having any source of income and is dependent upon her parents for meeting her financial needs and those of minor daughter of the parties residing with her; that she has filed a petition under provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Kaithal, where he is appearing. The respondent is in arrears of maintenance amounting to Rs.1,35,000/-. Under the circumstances, it is difficult for the applicant to

travel from her parental place to Karnal to attend the dates of hearing in the Court there, covering a distance of about 60 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who had put in appearance and oppose the application vehemently. Subsequently he stopped appearing in the Court.

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 The petition in question is ordered to be withdrawn from the Court of District Judge, Family Court, Karnal and transferred to the Court of learned District Judge, Kaithal for disposal in accordance with law. Learned District Judge, Kaithal may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties are directed to appear in the transferee Court on 06.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

08.07.2019

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(H.S. MADAAN)
JUDGE

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