

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

TA-673-2018 (O&M)

Date of decision: 15.07.2019

Kanwaljit Kaur

...Applicant

Versus

Commodore B.R. Singh

...Respondent

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

Present: Mr. B.S. Baath, Advocate for the applicant.

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**H.S. MADAAN, J. (Oral)**

Applicant Kanwaljit Kaur, aged about 44 years, estranged wife of respondent Commodore B.R. Singh, presently residing with her parents at Old Dhariwal, District Gurdaspur, on account of differences between the parties, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Commodore B.R. Singh Vs. Kanwaljit Kaur' pending in the Court of Addl. District Judge, Amritsar to the Court of competent jurisdiction at Gurdaspur.

According to the applicant, the marriage solemnized between the parties on 07.10.1995 did not work, though the couple was blessed with three sons i.e. Amandeep Singh, Angaddeep Singh and Tanvirdeep Singh. The applicant was forced to leave the matrimonial home and start residing with her parents. The respondent had filed a divorce petition against the applicant earlier, which was dismissed by Addl. District Judge, Gurdaspur, vide judgment dated 24.09.2015. He has filed the

second divorce petition by concealing the material facts. On an application having been filed by the applicant earlier, the previous divorce petition was ordered to be transferred to the Court of competent jurisdiction at Gurdaspur by this Court, vide order dated 10.02.2014, passed in TA-588-2013. The applicant has filed a petition under provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent in the Court of CJM, Gurdaspur. She has also filed an execution application before JMIC, Gurdaspur with regard to recovery of arrears of maintenance from the respondent. The respondent is appearing in those proceedings. The applicant does not have any source of income and is dependent upon her parents. It is difficult for the applicant to travel from her parental place to Amritsar to attend the dates of hearing in the Court there, covering a distance of about 90 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who had put in appearance earlier, however, there is no representation on his behalf today.

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 Addl. District Judge, Amritsar and transferred to Family Court at Gurdaspur for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 16.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

15.07.2019

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**(H.S. MADAAN)**  
**JUDGE**

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