

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

T.A. No. 676 of 2018

DATE OF DECISION :- February 01, 2019

Amandeep Kaur

...Applicant

Versus

Harjaspal Singh

...Respondent

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

Present:- Mr. Sunil Agnihotri, Advocate for the applicant.

Mr. G.S. Toor, Advocate for the respondent.

By way of filing the present application, applicant Amandeep Kaur, aged about 28 years, wife of Harjaspal Singh-respondent, presently residing with her parents at Village Haler, P.S. Talwara, Tehsil Mukerian, District Hoshiarpur on account of matrimonial discord with her husband Harjaspal Singh-respondent seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 erroneously mentioned as Sikh Marriage Act filed by her husband Harjaspal Singh against her having title 'Harjaspal Singh Vs. Amandeep Kaur' pending in the Court of District Judge, Sri Muktsar Sahib to the Court of competent jurisdiction at Mukerian, District Hoshiarpur.

Inter alia in the application it is contended that the applicant is a young woman taking care of minor son of the parties aged about little more

than four years. She does not have any source of income and there is no adult male member in her parental family except her aged father who is not in a position to accompany her to Sri Muktsar Sahib to attend the dates of hearing, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel. The application is being resisted by the respondent. It is contended that it being case of civil nature she can appear in the Court through her counsel and further more the two places are well connected by road and one can commute conveniently.

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

I find that the contention in the application which have been reiterated by learned counsel for the applicant during arguments and in view of the settled law that in cases relating to the matrimonial dispute between the spouses convenience of the wife is to be kept in mind and considering the fact that distance between the place where the applicant is stated to be residing presently and Sri Muktsar Sahib is stated to be about 240 kms on one side.

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 The petition in question is ordered to be withdrawn from the Court of District Judge, Sri Muktsar Sahib and transferred to the Court of District Judge, Hoshiarpur for disposal in accordance with law, who may further assign it to any other Court of competent jurisdiction, if it is there at Mukerian.

The parties through their counsel are directed to appear in the transferee Court on 5.3.2019. Copies of orders be sent to the Court of District Judge, Sri Muktsar Sahib as well as to the Court of District Judge, Hoshiarpur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 01, 2019
p.singh

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