

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

T.A. No. 698 of 2018

DATE OF DECISION :- March 05, 2019

Anu Katal

...Applicant

Versus

Deepak Kumar

...Respondent

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

Present:- Mr. Dhawaljeet Dutta, Advocate for the applicant.

Mr. Munish Puri, Advocate for the respondent.

Applicant Anu Katal, wife of Deepak Kumar-respondent, presently residing with her parents at Gurdaspur on account of matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Section 10 of the Hindu Marriage Act titled 'Deepak Kumar Vs. Anu Katal' pending before Family Court at Pathankot to the Court of competent jurisdiction at Gurdaspur.

According to the applicant, the marriage between the parties was performed on 11.11.2016 at Gurdaspur. Right from the beginning the spouses could not adjust with each other which gave rise to matrimonial discord. The applicant was turned out of the matrimonial home and she had no other place to go except house of her parents at Gurdaspur. The respondent has filed the present petition under Section 10 of the Hindu

Marriage Act against the present applicant in order to harass her. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Pathankot covering a distance of 50 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through his counsel. No reply has been filed though the application is being opposed vehemently stating that the respondent apprehends danger to his life if he goes to Gurdaspur in case the application is accepted.

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. The same is accordingly allowed. The petition in question is ordered to be withdrawn from Family Court at Pathankot and transferred to Family Court at Gurdaspur for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 2.4.2019. Copies of orders be sent to Family Court at Pathankot as well as to the Family Court at Gurdaspur for information and necessary compliance.

The Senior Superintendent of Police, Gurdaspur is directed to ensure that no physical harm is caused to the respondent or to his family members or persons accompanying him when he/they go to Gurdaspur to

attend the dates of hearing. A copy of this order be sent to Senior Superintendent of Police, Gurdaspur also.

(H.S. MADAAAN)
JUDGE

March 05, 2019
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No