

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

T.A. No. 827 of 2018

DATE OF DECISION :- February 20, 2019

Gurjit Kaur

...Applicant

Versus

Gurpreet Singh

...Respondent

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

Present:- Mr. Shaurya Puri, Advocate for the applicant.

Mr. Ramesh Sharma, Advocate for the respondent.

By way of filing the present application, applicant Gurjit Kaur, aged about 24 years, wife of Gurpreet Singh-respondent, presently residing with her parents at Kapurthala seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Gurpreet Singh against her having title 'Gurpreet Singh Vs. Gurjit Kaur' pending in the Court of Additional Civil Judge (Sr. Divn.) Nakodar to the Court of competent jurisdiction at Kapurthala.

Inter alia in the application it is contended that the marriage between the parties was performed on 9.12.2017 at Kapurthala. Thereafter they started residing together. The couple was not blessed with any child.

The applicant was treated with cruelty by the respondent and his parents in connection with demand of dowry. She was turned out of the matrimonial home. She had no other place to go except house of her parents at Kapurthala. The respondent has filed a petition in question against her as a pressure tactic at Nakodar. The applicant contends that she being a young woman, having no source of income with no male member in her parental family to accompany her, it is difficult for her to travel from her parental place to Jalandhar covering a distance of about 45 kms on one side so as to attend the dates of hearing there. Her father is residing abroad and her mother is old and ailing. She has filed a petition under Section 125 Cr.P.C. against the respondent which is pending in the Court at Kapurthala, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel vehemently opposing the application.

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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.) Nakodar and transferred to the Court of District Judge, Kapurthala for disposal in accordance with law. Learned District Judge, Kapurthala may retain the petition on his board or assign it

to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 18.3.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.) Nakodar as well as to the Court of District Judge, Kapurthala for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 20, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No