

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

T.A. No. 832 of 2018

DATE OF DECISION :- February 04, 2019

Sukhwinder Kaur

...Applicant

Versus

Mandeep Singh

...Respondent

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

Present:- Mr. Vijay Lath, Advocate for the applicant.

Applicant Sukhwinder Kaur, aged about 26 years, wife of Mandeep Singh-respondent. Presently residing with her parents at Rupnagar, District Rupnagar on account of a matrimonial discord with her husband Mandeep Singh-respondent by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Mandeep Singh against her having title 'Mandeep Singh Vs. Sukhwinder Kaur' pending in the Court of Civil Judge (Sr. Division), Tarn Taran to the Court of competent jurisdiction at Rupnagar.

Interalia in the application it is contended that the marriage between the parties performed on 30.11.2016 had ran into rough weather. The applicant had given birth to a son from loins of respondent on 3.10.2017, who is presently residing with the applicant. The applicant along with the minor son had to leave the matrimonial home and to start residing with her parents at Rupnagar. Since she is not having any source of income, she has filed a petition under Section 125 Cr.P.C. against the respondent which is pending before Chief Judicial Magistrate, Rupnagar. On account of financial constraints and the fact that applicant is a young woman having financial

constraints, taking care of minor son of the parties, it is difficult for her to travel from Rupnagar to Tarn Taran covering a distance of about 200 kms on one side so as to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who was duly served but did not opt to appear and offer a contest.

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 The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Division), Tarn Taran and transferred to the Court of District Judge, Rupnagar for disposal in accordance with law. Learned District Judge, Rupnagar 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 7.3.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Division), Tarn Taran as well as to the Court of District Judge, Rupnagar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 04, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No