

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 837 of 2018 (O&M)

Date of decision : 3.7.2019

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Karamjit Kaur

.....Applicant

vs.

Karamjit Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.K. Bawa, Advocate the applicant.

Mr. B.S. Sidhu, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

This application, for transfer of divorce petition titled as 'Karamjit Singh vs. Karamjit Kaur', pending in the Court of Additional District Judge, Sirsa, to a Court of competent jurisdiction at Sangrur, has been filed by applicant – Karamjit Kaur, aged about 29 years, estranged wife of Karamjit Singh, presently residing with her parents at Chabali, Tehsil Sunam, District Sangrur, on account of marital dispute between the spouses.

Notice of the application was given to the respondent, who has appeared through counsel.

The application is being opposed by the respondent vehemently, praying for its dismissal.

I have heard learned counsel for the parties, besides going through the record and I find that the application deserves to be accepted.

As per own case of the respondent, as mentioned in the divorce petition itself, the applicant is suffering from Spinocerebellar Ataxia Type I, as such on account of that ailment, in light of the fact that she is statedly not having any source of income and is dependent upon her widowed mother, it would be too much to expect her to travel from her parental place to Sirsa to attend the dates of hearing in the Courts there, covering a distance of 131 kms on one side. Furthermore, she is stated to have filed a petition under Section 125 Cr.P.C., besides another petition under Protection of Woman from Domestic Violence Act, 2005, against the respondent in the Court at Sunam. Therefore, ends of justice demand that the application should be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Additional District Judge Sirsa, is withdrawn from that Court and transferred to the Court of District Judge, Sangrur, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties through counsel are directed to appear there on 2.8.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

3.7.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No