

T.A. No. 965 of 2018

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

T.A. No. 965 of 2018

DATE OF DECISION :- March 12, 2019

Rajwinder Kaur

...Applicant

Versus

Manjinder Singh

...Respondent

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

Present:- Mr. P.S. Kanwar, Advocate for the applicant.

By way of filing the present application, applicant Rajwinder Kaur, aged about 32 years, estranged wife of Manjinder Singh-respondent presently residing with her parents at Hoshiarpur, seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Manjinder Singh against her having title 'Manjinder Singh Vs. Rajwinder Kaur' pending in the Court of District Judge (Family Court), SBS Nagar to the Court of competent jurisdiction at Hoshiarpur.

According to the applicant, the marriage between the parties performed on 6.10.2011 did not work though the couple was blessed with a female child namely Baby Taranjot Kaur born on 23.9.2014. The reason for strained relations between the spouses was demand of dowry by the respondent and his family members. Ultimately, she was forced to leave the matrimonial home after giving severe beatings on 4.10.2015. She had no other place to go except house of her parents at Village Ajram, Tehsil and District Hoshiarpur. The applicant has filed petition under Section 125 Cr.P.C. for herself and minor daughter in the Court at Hoshiarpur. Now the respondent as a pressure tactic has filed divorce

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petition against her. The applicant is a young woman, taking care of minor daughter of the parties, having no source of income, it is difficult for her to travel from her parental place to SBS Nagar, covering a distance of about 70 kms 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 had put in appearance through his counsel. Subsequently, such counsel stopped appearing in the Court.

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 The petition in question is ordered to be withdrawn from the Court of District Judge (Family Court), SBS Nagar and transferred to Family Court at Hoshiarpur for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 23.4.2019. Copies of orders be sent to the Court of District Judge (Family Court), SBS Nagar as well as to the Family Court at Hoshiarpur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 12, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No