

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

T.A. No. 1951 of 2018

DATE OF DECISION :- February 20, 2019

Mandeep Kaur

...Applicant

Versus

Baljinder Singh

...Respondent

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

Present:- Mr. Amit Arora, Advocate for the applicant.

Applicant Mandeep Kaur, aged about 21 years, wife of Baljinder Singh-respondent, presently residing with her parents at Tarn Taran, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Baljinder Singh against her having title 'Baljinder Singh Vs. Mandeep Kaur' pending in the Court of Additional District and Sessions Judge, Gurdaspur to the Court of competent jurisdiction at Tarn Taran.

According to the applicant, the marriage between the parties was performed on 2.5.2017 at Tarn Taran. Thereafter they started residing together. The marriage was consummated but they were not blessed with any child; that the applicant was treated with cruelty by the respondent and his family members in connection with demand of more dowry. She was turned out of the matrimonial home and she has no other place to go except her parents at Tarn Taran; that she has lodged an F.I.R. No. 267 dated 11.10.2018 for offences under Sections 498-A/120-B IPC against the respondent and his family members with Police station City Tarn Taran. Further, she has filed a petition

under Section 125 Cr.P.C. against the respondent in the Court of JMIC at Tarn Taran. The respondent has filed a divorce petition as a pressure tactic against the applicant. The applicant, being a young woman, having no source of income, it is difficult for her to travel from her parental village to Gurdaspur to attend the dates of hearing there, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served through his father but he has not turned up to 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 The petition in question is ordered to be withdrawn from the Court of Additional District and Sessions Judge, Gurdaspur and transferred to Family Court at Tarn Taran for disposal in accordance with law.

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 District and Sessions Judge, Gurdaspur as well as to the Family Court at Tarn Taran for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 20, 2019

p.singh

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No