

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

T.A. No. 1150 of 2018

DATE OF DECISION :- February 06, 2019

Kiran Bala

...Applicant

Versus

Parvesh Arora alias Parvesh Thukral

...Respondent

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

Present:- Mr. Ishaan, Advocate for Mr. Neeraj Madan, Advocate
for the applicant.

As per office report, the Process Server has reported that the respondent has got full knowledge of pendency of the application but he is avoiding service. Under the circumstances, there is no necessity of issuing fresh notice to the respondent.

Heard.

Applicant Kiran Bala, aged about 36 years, wife of Parvesh Arora alias Parvesh Thukral-respondent, presently residing with her parents at Fazilka on account of marital dispute between the spouses seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Parvesh Arora alias Parvesh Thukral against her having title 'Parvesh Arora Vs. Kiran Bala' pending in the Court of Additional Civil Judge (Sr. Division), Amritsar to the Court of competent jurisdiction at Fazilka.

According to the applicant, the marriage between the parties performed on 5.2.2017 did not work. Though the marriage was consummated and she gave birth to a female child namely baby Kecia, presently aged about 11 months. The applicant along with the minor daughter had to leave the matrimonial home and start residing with her parents at Fazilka. Her husband has filed a petition under Section 9 of the Hindu Marriage Act against her in the Court at Amritsar. She being a young woman, taking care of minor daughter of the parties, it is difficult for her to travel from Fazilka to Amritsar covering a distance of about 200 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 despite having knowledge of the application did not appear and 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Division), Amritsar and transferred to the Court of District Judge, Fazilka for disposal in accordance with law. Learned District Judge, Fazilka 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 8.3.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Amritsar as well as to the Court of District Judge, Fazilka for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 06 2019
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No