

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

T.A. No. 289 of 2018

DATE OF DECISION :- February 5, 2019

Laxmi @ Preeti

...Applicant

Versus

Sidharth Bhardwaj

...Respondent

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

Present:- Ms. Neha Rana, Advocate
for Mr. Abhimanyu Singh Tanwar, Advocate for the applicant.

Mr. A.K. Kansal, Advocate
for Mr. S.K. Yadav, Advocate for the respondent.

This application for transfer of proceedings under Section 26 of the Hindu Marriage Act, 1955 pending in the Court of District Judge (Family Court), Ambala to the Court of competent jurisdiction at Phagwara, Punjab has been filed by applicant Laxmi @ Preeti, wife of respondent Sidharth Bhardwaj.

The grounds taken in the application are that there is distance of more than 150 kms between Ambala and Kapurthala where the applicant is residing. The applicant is taking care of two minor children of the parties. She is having financial constraints also and it is difficult for her to travel from Kapurthala to Ambala to attend the dates of hearing in the Court at

Ambala.

The application is being resisted by the respondent contending that the applicant had approached this Court earlier seeking transfer of petition under Section 9 of the Hindu Marriage Act from the trial Court at Ambala to the Court of competent jurisdiction at Kapurthala. However, that transfer application bearing TA No. 599 of 2015 was dismissed by this Court vide order dated 28.1.2016. That petition has since been decided ex-parte and respondent has filed an application under Section 26 of the Hindu Marriage Act in that Court, therefore, the application be not accepted.

After hearing learned counsel for the parties and going through the record, I find that since request of the applicant for transfer of petition under Section 9 of the Hindu Marriage Act, which is pending in the Court at Ambala to the Court of competent jurisdiction at Kapurthala has been declined by this Court earlier and the petition under Section 26 of the Hindu Marriage Act is in the form of ancillary proceedings, there is no reason to review that order and accept the present application because the grounds so taken had been considered by this Court while disposing of that application. Therefore, the application stands dismissed.

(H.S. MADAAN)
JUDGE

February 05, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No