

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

T.A. No. 957 of 2018

DATE OF DECISION :- February 27, 2019

Komal

...Applicant

Versus

Amandeep

...Respondent

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

Present:- Ms. Vatika Gaind, Advocate for the applicant.

Mr. Munish Raj Chaudhary, Advocate for the respondent.

As per report received from the Mediation Centre, the mediation has failed.

Applicant Komal, wife of Amandeep respondent, presently residing with her parents at Khanna on account of a matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Amandeep against her having title 'Amandeep Vs. Komal' pending in the Court of Additional Civil Judge (Sr. Divn.), Nabha to the Court of Additional Civil Judge (Sr. Divn.), Khanna.

According to the applicant, the marriage performed between parties the ran into rough weather. She had given birth to a daughter from the loins of respondent, who was about 3 years at the time of filing of the application. According to the applicant she along with minor child had to leave the matrimonial home and start residing with her parents at Khanna; that she is a poor woman, it is difficult for her to travel from Khanna to Nabha to attend the dates of hearing there

more particularly when she has to take care of minor daughter of the parties, who is School going, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through his counsel. The application is being opposed vehemently.

I have heard learned counsel for the parties 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.), Nabha and transferred to Additional Civil Judge (Sr. Divn.) Khanna/Family Court at Khanna for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 26.3.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Nabha as well as to the Court of Additional Civil Judge (Sr. Divn.) Khanna/Family Court at Khanna for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 27, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No