

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

T.A. No. 980 of 2018

DATE OF DECISION :- March 11, 2019

Satwinder Kaur

...Applicant

Versus

Balmeet Singh

...Respondent

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

Present:- Mr. Rajesh Bhatheja, Advocate for the applicant.

Applicant Satwinder Kaur, aged about 32 years, wife of Balmeet Singh-respondent, presently residing with her parents at Village Mehmewala, Tehsil and District Moga, on account of 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 Balmeet Singh against her having title 'Balmeet Singh Vs. Satwinder Kaur' pending in the Court of Additional Civil Judge (Sr. Divn.), Jalandhar to the Court of competent jurisdiction at Moga.

According to the applicant, she is residing with her parents at Village Mehmewala, Tehsil and District Moga along with minor son of the parties namely Avalpreet Singh. The respondent has filed petition in question against her as a pressure tactic. She being a young woman, taking care of minor son of the parties, having no source of income, it is difficult for her to travel from Moga to Jalandhar to attend the dates of hearing in the Court there. Further more she has filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the

respondent which is pending in the Court at Moga, therefore, the application be accepted.

Notice of the application was given to the respondent through his counsel in the trial Court who made an endorsement that notice be sent directly to the party. Learned counsel was not justified in doing so and I treat it as a due service.

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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Divn.), Jalandhar and transferred to Family Court at Moga for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 22.4.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Jalandhar as well as to the Family Court at Moga for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 11, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No