

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-374-2020

Date of decision: - 06.01.2021

Manpreet Kaur

....Applicant

Versus

Harjinder Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Onkar Singh Batalvi, Advocate,
for the applicant.

None for the respondent.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present Transfer Application has been filed under Section 24 of the Code of Civil Procedure for transfer of the case HMA/22/2019 titled as 'Harjinder Singh Vs. Manpreet Kaur', which is pending before the Additional Civil Judge (Senior Division), Khamanon, District Fatehgarh Sahib to a Competent Court at Kharar or Mohali, as the applicant is a lady and who is residing with her parents at village Behlolpur, Tehsil Kharar, District SAS Nagar, Mohali.

As per the averments made in the present Transfer Application, applicant-Manpreet Kaur and respondent, namely, Harjinder Singh got married on 08.02.2012 and there is no child born out of the said wedlock. As per the pleadings, applicant was thrown out of the

matrimonial house by her in-laws on 02.08.2019 and since then, she is residing with her parents at village Behlolpur, Tehsil Kharar, District SAS Nagar, Mohali.

Respondent-husband has filed a petition under Section 9 of the Hindu Marriage Act at Civil Court Khamanon, Tehsil Khamanon, District Fatehgarh Sahib.

Applicant has filed the present Transfer Application seeking transfer of the said petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act at Civil Court Khamanon, Tehsil Khamanon, District Fatehgarh Sahib to a Competent Court at Kharar or Mohali.

Notice of the present application was issued to the respondent-husband and while issuing the notice of motion, the following order was passed by this Court on 29.07.2020: -

“Notice of motion for 03.10.2020.

In the meantime, the proceedings before the trial Court are stayed till the next date of hearing.”

Respondent-husband has refused to accept the notice and this Court, passed following order on 05.10.2020:-

“As per office report, the respondent has refused to accept the notice, as such, service is deemed to be effected upon the respondent.

Put up on 06.01.2021 for final disposal.

Interim order to continue.”

Today, case was called more than once and no one appears on behalf of the respondent-husband and respondent-husband is

proceeded ex-parte and the present application is being decided without there being any assistance from the respondent.

Respondent has failed to appear despite service and has chosen not to defend the Transfer Application and the allegations alleged in the present Transfer Application have gone un rebutted.

Keeping in view the fact that applicant is a lady and is residing at village Behlolpur, Tehsil Kharar, District SAS Nagar, Mohali and also keeping in view the law laid down by the Hon'ble Supreme Court passed in 'Neelam Kanwar Vs. Devinder Singh Kanwar', 2000(10) SCC 589 as well as in 'Sumita Singh Vs. Kumar Sanjay and another', 2001(10) SCC 41, according to which, ordinarily the litigation between the parties should be tried at the place where the woman is residing unless and until there are special reasons not to do so and no compelling circumstances have been brought to the notice of this Court so as to decline the prayer of the applicant. Transfer Application is allowed and case bearing HMA/22/2019 titled as 'Harjinder Singh Vs. Manpreet Kaur, is transferred from the Court of Additional Civil Judge (Senior Division), Khamanon, District Fatehgarh Sahib, to a Competent Court at Kharar, District SAS Nagar, for the adjudication of the same.

(HARSIMRAN SINGH SETHI)
JUDGE

January 06, 2021
naresh.k

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No