



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

137

TA-40-2025

Date of Decision: 15.01.2025

RAVINDER KAUR**...Applicant****Versus****GURVINDER SINGH****...Respondent****CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Abhimanyu Batra, Advocate
for the applicant.

HARPREET KAUR JEEWAN, J.

1. Petition under Section 24 read with Section 151 of the Code of Civil Procedure has been filed by the applicant with a prayer to transfer the petition bearing Case No.HMA/608/2024 pending in the Court of learned Principal Judge, Family Court, Gurdaspur under Section 13 of the Hindu Marriage Act, 1955 to the Family Court, Bholath.

2. Learned counsel for the applicant contends that the applicant was thrown out of her matrimonial home by the respondent and his family members. Both the minor children of the parties along with the applicant are living in the parental home of the applicant and without having any source of income, the applicant is maintaining both the minor children.



3. It is further contended that both the minor children are studying at District Kapurthala in Baba Dalip Singh Memorial Public Senior Secondary school. The elder daughter is studying in 5th class and younger son is studying in 1st class in the said school, as per the copy of the certificate issued by the school (Annexure P-2). The applicant is residing at village Nangal Lubana, Tehsil Bholath, District Kapurthala and the distance between village Nangal Lubana to District Gurdaspur is about 62 Kms. There is no direct transport *inter se* the said places, as such, it is very difficult for the applicant to attend the Court at Gurdaspur along with her two minor children.

4. Keeping in view the school certificate (Annexure P-2) and the facts submitted by the applicant, I am of the considered opinion that issuance of notice to the respondent would delay the proceedings before the Family Court and would cause delay in disposal of the matrimonial case, as such, issuance of notice to the respondent is dispensed with.

5. Keeping in view the facts and circumstances of the case; difficulty faced by the applicant and in view of the law laid down by Hon'ble the Supreme Court in Sumita Singh Vs. Kumar Sanjay and another AIR 2002 SC 396, Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (2005) 12 SCC 237 and N.C.V. Aishwarya Vs. A.S.Saravana Karthik Sha 2022 SCC Online SC 1199, petition under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing Case No.HMA/608/2024 pending in the Court of learned Principal Judge, Family Court, Gurdaspur, is ordered to be withdrawn from the Court of Principal Judge, Family Court, Gurdaspur and transferred to Principal Judge, Family Court, Bholath.



6. The present petition stands allowed.
7. However, the respondent may approach this Court within a period of three months from today for revival of the petition, if any facts have been mislead or concealed by the applicant, subject to the following terms:-

(a) Payment of Rs.20,000/- towards litigation expenses by way of demand draft in favour of the applicant-wife to be submitted along with the application for revival of this petition.

(HARPREET KAUR JEEWAN)
JUDGE

15.01.2025

P.Bhatt

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No