

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

TA No. 477 of 2011
Date of decision: 30.9.2011

Gurbax Kaur

....Applicant

Versus

Jaspal Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

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

Respondent ex-parte.

Jitendra Chauhan, J.(Oral)

This is an application Section 24 of the Code of Civil Procedure filed by the applicant/wife, for the transfer of the divorce petition titled as 'Jaspal Singh vs. Gurbax Kaur ', filed by the respondent/husband, under Section 9 of the Hindu Marriage Act, 1955, (for short 'the Act') from the court of learned Civil Judge (Junior Division), Dhuri, to the court of competent jurisdiction at Hoshiarpur.

I have heard the learned counsel for the applicant and perused the record.

From the perusal of the case file, it emerges that the applicant is having two minor children. After having been ousted from her matrimonial home, she is presently residing at her parental house in village Dhamian

Kalan, District Hoshiarpur. There are averments of continuous beatings, harassment and demand of dowry by the respondent. The applicant has filed an application under Section 125 of Cr.P.C. for grant of maintenance, which is still pending at Hoshiarpur. It would certainly be difficult for the wife, having no source of income and saddled with the responsibility of raising her two minor children, to attend the court proceedings at Dhuri.

Considering the facts that the applicant is presently residing at the mercy of her parents in village Dhamian Kalan, District Hoshiarpur; she has no source of income and primarily, the convenience of the wife is to be seen, therefore, the present application deserves to be allowed.

In view of the above, the instant transfer application is allowed, petition under Section 9 of the Act titled as 'Jaspal Singh Versus Gurbax Kaur' is withdrawn from the Court of learned Civil Judge (Junior Division), Dhuri and is transferred to the court of competent jurisdiction at Hoshiarpur. The complete record pertaining to the case in question shall be sent by the trial Court at Dhuri, to the learned District Judge, Hoshiarpur, within two weeks from the date of receipt of a copy of this Order. The learned District Judge, Hoshiarpur will either dispose it of himself or entrust it to any Court of competent jurisdiction.

The parties shall appear before the Court of District Judge, Hoshiarpur, on 29.10.2011 at 10 AM.

30.09.2011
gsv

(JITENDRA CHAUHAN)
JUDGE