

(2019) 01 P&H CK 0311

In the Punjab And Haryana At Chandigarh

Case No : Transfer Application No. 778 Of 2017

Vandana

APPELLANT

Vs

Pardeep Kumar

RESPONDENT

Date of Decision : 07-01-2019

Acts Referred:

Hindu Marriage Act, 1955 — Section 9, 12, 13

Citation : (2019) 01 P&H CK 0311

Hon'ble Judges : H.S. Madaan, J

Bench : Single Bench

Advocate : Rishab Lohan

Final Decision : Disposed Off

Judgement

By way of filing the present application, applicant Vandana, aged about 21 years, estranged wife of Pardeep Kumar-respondent seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Pardeep Kumar against her having title 'Pardeep Kumar Vs. Vandana' pending in the Court of Civil Judge (Sr. Division), Kaithal to the Court of competent jurisdiction at Jind.

Inter alia in the application it is contended that the marriage between the parties was performed without consent of the applicant, as such she has filed a petition under Section 12 and 13 of the Hindu Marriage Act against the respondent, which is pending in the Court of District Judge, Jind. As a pressure tactic, the respondent has filed a petition under Section 9 of the Hindu Marriage Act which is pending before Civil Judge (Sr.

Division), Kaithal. The applicant is a young woman of 21 years, residing with her parents and it is difficult for her to travel from Jind to Kaithal covering a distance of about 85 kms so as to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel.

No written reply was filed. Counsel appearing on behalf of respondent had submitted that respondent was desirous of settling the dispute as such it was referred to Mediation and Conciliation Centre of this Court. However, due to non appearance of the parties before the mediator, no efforts for amicable settlement could be made. Report in that regard was sent to this Court. There has not been any representation on behalf of the respondent for the last two dates of hearing.

I have heard learned counsel for the applicant besides going through the record.

Keeping in view the fact that the applicant is a young woman and it would be difficult for her to travel from Jind to Kaithal to attend the dates of hearing in the Court there covering a distance of 85 kms on one side and there being nothing to show that any video conferencing facility is available in the trial Court at Kaithal, no offer has come from the side of respondent that he is ready to bear the travelling expenses of the applicant, ends of justice demand that the application should be accepted, the same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Civil Judge (Sr. Division), Kaithal and transferred to the Court of District Judge, Jind for disposal in accordance with law. Learned District Judge, Jind may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 4.2.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Division), Kaithal as well as to the Court of District Judge, Jind for information and necessary compliance.