

TA No.466 of 2013

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.466 of 2013

Date of Decision: November 17, 2014

Amandeep Kaur

...Applicant

Versus

Jaspal Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.P. Soi, Advocate
for the applicant.

Mr. S.S. Chatrath, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J.(ORAL)

It is the contention of the counsel for the applicant that the applicant has two minor children who are residing with her and had earlier preferred TA No.621 of 2012, titled as 'Amandeep Kaur vs. Jaspal Singh', which was decided by this Court on 18.03.2013 (Annexure P-3). The said transfer application was allowed and the proceedings initiated by the respondent under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') was ordered to be transferred from the Court of Additional Civil Judge (Senior Division), Tohana, District Fatehabad, to the Court of competent jurisdiction at Jalandhar. The said petition under Section 9 of the Act preferred by the respondent was withdrawn and a fresh petition under Section 13 of the Act, titled as 'Jaspal Singh Vs. Amandeep Kaur' (Annexure P-4) has been preferred in the Court of District Judge, Fatehabad. The ground which were pressed in the earlier petition are

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available to the applicant in the present case as well and, therefore, the present application may also be allowed.

Counsel for the respondent could not dispute the above assertion as made by the counsel for the applicant.

In view of the above, the present transfer application is allowed. Petition under Section 13 of the Act, titled as 'Jaspal Singh Vs. Amandeep Kaur' (Annexure P-4) is hereby withdrawn from the Court of District Judge, Fatehabad and transferred to the Court of competent jurisdiction at Jalandhar on the same grounds as have been mentioned in TA No.621 of 2012, titled as 'Amandeep Kaur vs. Jaspal Singh', decided on 18.03.2013 (Annexure P-3).

The District Judge, Fatehabad is directed to transmit the records of petition under Section 13 of the Act, titled as 'Jaspal Singh Vs. Amandeep Kaur' (Annexure P-4) to the District Judge, Jalandhar who shall try the case himself or assign the same to some other Court of competent jurisdiction, in accordance with law. Parties to appear before the District Judge, Jalandhar on 10.12.2014.

Copy of this order be sent to the District Judge, Fatehabad as well as to the District Judge, Jalandhar for information and compliance.

November 17, 2014
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE