

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.650 of 2014

Date of Decision: March 26, 2015

Poonam

...Applicant

Versus

Ashok Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Krishan Singh, Advocate
for the applicant.

Mr.R.K.Agnihotri, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Poonam has filed this application under Section 24 read with Section 151 CPC against Ashok Kumar for transfer of petition titled as 'Ashok Kumar vs. Poonam' filed by respondent under Section 13 of the Hindu Marriage Act for dissolution of marriage from the Court of District Judge, SAS Nagar, Mohali to District Courts, Yamuna Nagar at Jagadhri.

Notice of motion was issued and learned counsel for respondent appeared and contested the application.

It is stated in the application that petitioner has also filed an application under Section 125 Cr.P.C. for grant of maintenance and litigation expenses against the respondent in the Court of learned

JMIC, Yamuna Nagar at Jagadhri. The petitioner also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against respondent in the Court of learned JMJC, Yamuna Nagar at Jagadhri. In both the cases, notice has already been issued to the respondent.

In the application, it is also stated that the applicant is residing with her widow/mother and her brother since June 2014. The petitioner is unemployed and totally dependent upon her widow mother and has no source of income. It is further stated that respondent and his family members have given threat to the applicant that in case she came to Mohali, she will be killed. The distance between Yamuna Nagar and Mohali is about 150 Kms. and the applicant has no companion to accompany her to Mohali for defending the proceedings.

Learned counsel for the applicant argued as per the averments in the application.

In reply, filed today in Court, which is taken on record, the respondent admitted the pendency of two cases filed by the applicant in Yamuna Nagar at Jagadhri. Learned counsel for the respondent argued that apart from the mother, the applicant is also having brother, who can accompany her to Mohali to attend the hearing of the case.

I have gone through the record and have heard learned counsel for the parties.

As admitted by the respondent, two cases are already

pending which are filed by the applicant against respondent before District Court, Yamuna Nagar at Jagadhri. If the case in question is transferred, then no prejudice is to be caused to the respondent as the respondent is to appear in the Court of learned JMJC, Yamuna Nagar at Jagadhri to contest the pending cases. Secondly, it is also clear that the applicant has only widow mother and brother. As there is no other male members in the family, it is difficult for the applicant to visit Mohali. Further, she being unemployed having no source of income, has to cover distance of 150 Kms.

Keeping in view the facts and circumstances of the present case, I find merit in the present application and the same is allowed. The case titled as 'Ashok Kumar vs. Poonam' filed by respondent under Section 13 of the Hindu Marriage Act is transferred from the Court of District Judge, SAS Nagar, Mohali to District Courts, Yamuna Nagar at Jagadhri. Parties are directed to appear before the Court of District Judge, Yamuna Nagar at Jagadhri on 24.04.2015. Learned District Judge, Yamuna Nagar at Jagadhri can keep the file with him or can entrust the same to any competent Court for disposal in accordance with law.

March 26, 2015
Vgulati

(INDERJIT SINGH)
JUDGE