

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2533-2016

Date of Decision:- 21.11.2016

Indu Kalsi

....Petitioner

Versus

Shakuntla Devi and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Munish Gupta, Advocate,
for the petitioner.**

None for respondents despite service.

RITU BAHRI, J. (Oral)

Petitioner is seeking directions for transfer of petition No.4 of 21.03.2015, filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-6) titled as 'Shakuntla Devi Versus Indu Kalsi and others', from the Court of Sh. Amandeep Singh, PCS, Sub-Divisional Judicial Magistrate, Anandpur Sahib, to the Court of competent jurisdiction at Khanna, District Ludhiana.

Briefly, the facts of the case are that marriage of petitioner has been solemnized with son of respondent No.1, namely, Sandeep Singh. Out of the said wedlock, one female child, namely, Sabreen Kalsi, was born on 11.01.2010. Petitioner is a contractual Government English Mistress and is

presently serving at Government High School, Village Mannewal, Near Machhiwara, District Ludhiana. She is suffering from permanent disability to the extent of 45%. Her husband Sandeep Singh is working as Assistant Professor in Rayat and Bahra Institute of Pharmacy at Ropar. On 10.10.2014, she was ultimately thrown out of the matrimonial home on account of continuous demand of dowry and thereafter she gave a complaint to the SSP, Khanna against the respondents on 13.10.2014 and compromise was effected between them on 25.10.2014. Her husband took her along with her minor child. Subsequently, problems started again and respondent No.1 has got filed a petition through her son under Section 9 of Hindu Marriage Act for restitution of conjugal right before the Court at Anandpur Sahib.

Learned counsel for the petitioner submits that petitioner is a handicapped lady and in order to earn her livelihood, she is working at village Manowal, Ludhiana and also taking care of six years old minor child. Moreover, the petitioner has approached this Court by way of transfer application No.925 of 2015, for transfer of petition under Section 9 of Hindu Marriage Act from the Court at Anandpur Sahib to the Court of competent jurisdiction at Khanna, District Ludhiana and the same has been allowed by this Court vide order dated 17.05.2015. The present petition under Section 12 of the Protection of Women from Domestic Act, 2005 (Annexure P-1) has been filed by mother-in-law against the present petitioner.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the present petition deserves to be accepted and the same is hereby allowed.

Accordingly, petition No.4 filed under Section 12 of the Protection of

Women from Domestic Violence Act, 2005 (Annexure P-6) titled as ‘Shakuntla Devi Versus Indu Kalsi and others’ is ordered to be transferred from the Court of Sub-Divisional Judicial Magistrate, Anandpur Sahib to the Court at Khanna, District Ludhiana.

November 21, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No