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

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Date of Decision: 02.02.2016

Baljit Kaur alias Bobby alias Baljeet Kaur

... Applicant (s)

Versus

Lucky Singh Kanda alias Seera

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Ashish Gupta, Advocate,
for the applicant.

Mr. Hitesh Verma, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Lucky Singh Kanda vs. Baljit Kaur', under Section 13 of the Hindu Marriage Act, 1955 (for short, 'the Act'), filed by the respondent-husband for dissolution of marriage between the parties, from Barnala to Faridkot.

In pursuance of notice of motion, respondent has filed reply which is taken on record.

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

Learned counsel for the applicant contends that respondent has filed a petition under Section 13 of the Act for dissolution of

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marriage which is pending in the Court of learned District Judge, Family Court, Barnala, a far away place from Kotkapura, District Barnala where the applicant is residing with the parents. It is also contended that petition under Section 125 Cr.P.C. is pending against the respondent-husband in District Court, Faridkot. The applicant also got registered an FIR in the Police Station City Kotkapura, District Faridkot against the respondent for harassing her for dowry and giving her maltreatment. Learned counsel for the applicant relies upon the judgment of Hon'ble Supreme Court in *Deepti Bhandari v. Nitin Bhandari and another*, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings in Faridkot than for the applicant to attend the same in Barnala. Therefore, the petition under Section 13 of the Act may be transferred to Faridkot.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicant and contends that the applicant has solemnized second marriage with the respondent after getting divorce from her first husband. The applicant did not inform the factum of her previous marriage. The father and brother of the applicant caused as many as eight injuries with blunt weapon on the person of the respondent's father and as such, an FIR No.269 dated 15.09.2015 was got registered against them. In case the petition under Section 13 of the Act is transferred to Faridkot, the life and liberty of the respondent will be in danger.

I have considered the contentions raised by learned counsel

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for the parties.

Admittedly, proceedings under Section 125 Cr.P.C. and in FIR lodged against the respondent are going on in Faridkot. In view of above the submissions made by learned counsel for the parties, for the circumstances mentioned in the application and keeping in view the decision of the Hon'ble Supreme Court in *Deepti Bhandari* (supra), application is allowed. Keeping in view the apprehension in the mind of respondent that there will be danger to his life and liberty and earlier incident of causing injuries to his family members had taken place, petition under Section 13 of the Act pending in the Court of learned District Judge, Family Court, Barnala is ordered to be withdrawn and transferred to learned District Judge, Bathinda, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Family Court, Barnala shall ensure that entire record of the case is sent to learned District Judge, Bathinda. The parties through their counsel are directed to appear before the learned District Judge, Bathinda on 23.02.2016.

Disposed of.

Learned District Judge, Family Court, Barnala and learned District Judge, Bathinda be informed through FAX/e.mail.

02.02.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge