

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

TA No.1012 of 2017

Date of decision: 26.09.2018

Shashi Bala

.. Petitioner

vs.

Darshan Lal

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Narender Kaajla, Advocate
 for the petitioner.

Mr. Sachit Punia, Advocate for the respondent.

Harinder Singh Sidhu, J.

The petitioner wife has filed this petition under Section 24 of the Code of Civil Procedure for transferring the petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Darshan Lal Vs. Shashi Bala, filed by the respondent, which is pending in the Court of Ld. District Judge, (Family Court), Karnal to a Court of competent jurisdiction at Hisar.

It is stated that the marriage of the petitioner was solemnized with the respondent on 06.05.2013. The petitioner has been harassed and humiliated by the respondent and his family members on account of dowry. She has finally thrown out from the matrimonial home. A number of times, attempts were made to resolve the dispute but without success. Initially, an FIR was registered against the respondent. However, the respondent and his family members promised to look after the petitioner and she went back to her matrimonial home. Again the petitioner was thrown out from the matrimonial home. Thereafter, she filed a criminal complaint, which is also pending at Hisar. The petitioner has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members, which is pending at Hisar. She has also

filed a petition under Section 125 Cr.P.C. against the respondent in which the respondent was directed to pay the maintenance of Rs.5000/- per month. The respondent has filed the appeal against the said order, which is pending before this Court. Thereafter, the respondent has filed the petition under Section 9 of the Hindu Marriage Act at Karnal. The petitioner has no independent source of income. She is residing with her father and is totally dependent upon the pension of her father, who is an ex-service man. It is very difficult for the petitioner to attend the Court proceedings at Karnal, which is at a distance of about 120 kms from her place of residence i.e. Hisar. The petitioner apprehends danger to her life if she is to attend the court proceedings at Karnal.

The respondent has been served. On 14.05.2018, learned counsel for the respondent had sought time to file reply. However, when the case was listed on 23.08.2018, no one appeared for the respondent. Today, also no one has appeared for the respondent.

Considering the aforesaid facts and circumstances, this petition is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as "Darshan Lal Vs. Shashi Bala, filed by the respondent, which is pending in the Court of Ld. District Judge, (Family Court), Karnal is withdrawn from that Court and transferred to Hisar. The District Judge, Hisar may assign it to a competent Court.

26.09.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No