

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 1063 of 2017(O&M)

Date of decision:-02.11.2018

Babli .. Petitioner

vs.

Rajesh Kumar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Lakhwinder S. Lakhanpal, Advocate for the petitioner.

Mr. Vivek Aggarwal, Advocate for the respondent.

Harinder Singh Sidhu, J.

The petitioner-wife has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of petition titled as 'Rajesh Kumar vs. Babli', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Amritsar to a Court of competent jurisdiction at Jalandhar.

The marriage between the petitioner and the respondent was solemnized on 14.2.2006. They have two children from this marriage, a female child aged about 11 years and a male child aged about 5 years. They are residing with the petitioner.

It is the case of the petitioner that soon after the marriage, the mother of the respondent started maltreating her on account of dowry. The respondent, who is serving in the Central Reserve Police Force used to remain away from home on account of his duty and the petitioner was left at the mercy of his parents, who constantly maltreated her. A number of times the petitioner had to leave the matrimonial home on that account. Each time she rejoined the matrimonial home after the intervention of respectables.

But there was no change in the behaviour of the respondent and his family.

Now the petitioner is residing with her parents at Jalandhar. The respondent has filed a petition under Section 9 of the Hindu Marriage Act, 1955 at Amritsar.

It is stated that the petitioner has no source of income and is wholly dependent upon her parents. The respondent has not even cleared the arrears of maintenance awarded by the Court. It is extremely difficult for the petitioner to attend the Court proceedings at Amritsar, which is at a distance of about 70 KMs. from Jalandhar.

Considering the facts and circumstances of the case, the transfer application is allowed.

The petition under Section 9 of the Hindu Marriage Act, 1955 titled as 'Rajesh Kumar vs. Babli', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Amritsar is withdrawn from the said Court and transferred to Jalandhar. The District Judge Jalandhar may assign it to any competent Court.

02.11.2018	(Harinder Singh Sidhu)
dinesh	Judge
Whether speaking/reasoned	Yes
Whether Reportable:	Yes/No