

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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TA No.509 of 2017 (O&M)
Date of decision : 05.09.2018

Neha Madhok @ Neha Bhasin

...Petitioner

Versus

Harsh Madhok

....Respondent.

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Yogesh Goel, Advocate for the petitioner.
Mr.Abhinva Sood, Advocate for the respondent.

Harinder Singh Sidhu, J.

Petitioner-wife has filed the present petition under Section 24 of the Civil Procedure Code for transfer of the case bearing HMA No.1099 dated 21.12.2016 under Section 13(1) (ia) of the Hindu Marriage Act titled as “Harsh Madhok Vs. Neha Bhasin” which is pending before learned District Judge, Family Court, Gurgaon, to a court of competent jurisdiction at Ludhiana

The marriage of the petitioner was solemnized with the respondent on 20.4.2006. On 4.5.2009, a male child, Abeer Madhok was born to them. The child is suffering from Autism (Neurological disorder). On 20.06.2015, the petitioner was also diagnosed as having breast cancer. It

is the case of the petitioner that the petitioner was thrown out of the matrimonial home on 2.8.2015 along with her minor child. Since then, she is residing with her parents at Ludhiana. Initially, the minor child of the petitioner was living with her at Ludhiana but now the child is living with the respondent (his father) at Varanasi.

The respondent has filed a petition under Section 13(1) (ia) of the Hindu Marriage Act seeking divorce which is pending before the learned District Judge, Family Court at Gurgaon. It is stated that the

petitioner has no independent source of income and she is wholly dependent upon her family. She has no money to spend on her treatment. It is very difficult for the petitioner to attend the court proceedings at Gurgaon which is at a distance of about 400 kms from the residence of the petitioner.

Learned counsel for the respondent has not seriously disputed the said transfer petition. He however, has prayed that the transferee court may be directed to decide the divorce petition in a time bound manner.

Considering the facts and circumstance of the case, it would be appropriate that the petition under Section 13(1) (ia) of the Hindu Marriage Act, filed by the husband, be transferred from Gurgaon to Ludhiana.

Accordingly, this petition is allowed. The petition under Section under Section 13(1) (ia) of the Hindu Marriage Act titled as “Harsh Madhok Vs. Neha Bhasin” which is pending before learned District Judge, Family Court, Gurgaon is withdrawn from that court and transferred to Ludhiana. The learned District Judge, Ludhiana may assign it to a competent court at Ludhiana.

Considering that it is a divorce petition, I do not think it would be appropriate to fix any time limit for the decision of the petition.

Disposed of.

(Harinder Singh Sidhu)
Judge

05.09.2018

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No