

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

TA No.536 of 2017
Date of decision: 12.09.2018

Neelam Panchal @ Neelam .. Petitioner
vs.

Mithun Kumar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Rao Ajender Singh, Advocate
for the petitioner.

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Harinder Singh Sidhu, J.

This petition has been filed under Section 24 of the Code of Civil Procedure for transferring the petition under Section 13(a)(ia) (ib) of the Hindu Marriage Act, 1955 titled as “Mithun Kumar Vs. Neelam”, pending in the Court of District Judge (Family Court), Gurgaon to a Court of competent jurisdiction at Sonipat.

It is stated that the marriage of the petitioner was solemnized with one Narender (elder brother of the respondent) on 27.01.2004. One female child was born to them on 24.11.2004. Narender died on 02.02.2005. Thereafter, the Kareva marriage of the petitioner was solemnized with the respondent on 18.06.2005. Three children (two sons and one daughter) were born to them, of them the two sons died after their birth. Only one daughter survived. She is aged about 5 years and is residing with the petitioner.

It is stated that the petitioner was subjected to harassment and maltreatment by the respondent and his family members and in the year 2016, the petitioner was thrown out from the matrimonial home. Since then, the petitioner has been residing with her parents.

It is further stated that three cases against the respondent are pending at Sonipat, namely, petition under Section 125 Cr.P.C., petition under Section 12 of Protection of Women From Domestic Violence Act, 2005 and a criminal case against the respondent and his family members. The respondent is appearing in these cases. Thereafter, the respondent has filed divorce petition under Section 13(a)(ia) (ib) of the Hindu Marriage Act, 1955 at Gurgaon. It is stated that distance from Sonipat to Gurgaon is approximately 100 kms. It is difficult for the petitioner to attend the Court proceedings at Gurgaon particularly in view of the fact that she has one young daughter. She has no independent source of income.

The respondent has been served. However, no one has put in appearance on his behalf. On the previous date i.e. 13.08.2018, also no one appeared on his behalf.

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

The petition under Section 13(a)(ia) (ib) of the Hindu Marriage Act, 1955 titled as "Mithun Kumar Vs. Neelam", filed by the respondent, pending in the Court of District Judge (Family Court), Gurgaon is withdrawn from that Court and transferred to Sonipat. The District Judge, Sonipat may assign it to a competent Court at Sonipat.

12.09.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No