

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. **125** of 2018(O&M)

Date of decision:03.10.2018

Monika	vs.	.. Petitioner
Amit Kumar		.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Gaurav Sethi, Advocate
for the petitioner.

None 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 under Section 13 of the Hindu Marriage Act, 1955, titled as 'Amit Kumar vs. Monika', filed by the respondent, which is pending in the Court of learned Additional District Judge, Ludhiana to a Court of competent jurisdiction at Ambala.

The marriage between the petitioner and the respondent was solemnized on 04.10.2003. A son named Suzal was born to them on 20.10.2004, who is in the custody of the respondent.

It is the case of the petitioner that soon after the marriage, the respondent and his family members started harassing on account of dowry. The petitioner and the respondent decided to part ways because of which a petition under Section 13-B of the Hindu Marriage Act, 1955 was filed on 29.08.2016 at Ludhiana. However, the petitioner did not record her statement in the second motion as she realised that she had been misled and cheated to agree to the divorce by mutual consent. The said petition was dismissed vide order dated 06.03.2017.

The petitioner has filed a petition under Section 125 Cr.P.C., which is pending at Ambala. The respondent thereafter filed the petition under Section 13 of the Hindu Marriage Act, 1955 at Ludhiana. Before that, he had filed a petition under Section 9 of the Hindu Marriage Act, which was lateron withdrawn.

It is stated that the distance between Ambala and Ludhiana is about 125 Kms. The petitioner is wholly dependent on her parents, who remain ill . There is no person in the family to accompany her to attend the court proceedings at Ludhiana. She also has some ailments, due to which she has to go to the hospital time and again. The petitioner also apprehends danger to her life if she is to attend the Court proceedings at Ludhiana.

Despite service no one has put in appearance on behalf of the respondent.

Considering the facts and circumstances of the case, the transfer application is allowed. The petition under Section 13 of the Hindu Marriage Act, titled as 'Amit Kumar vs. Monika', filed by the respondent, which is pending in the Court of learned Additional District Judge, Ludhiana is withdrawn from the said Court and transferred to Ambala. The District Judge Ambala may assign it to a Court of competent jurisdiction.

03.10.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes
Yes/No