

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 197 of 2018(O&M)
Date of decision:31.08.2018

Smt. Babita	vs.	.. Petitioner
Praveen		.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr.Lajpat Sharma, Advocate
for the petitioner.

Mr. Chiranshu Bansal, Advocate
for the respondent.

Harinder Singh Sidhu, J.

The petitioner has filed the present transfer application under Section 24 of the Code of Civil Procedure for transfer of Civil Appeal No. 11 dated 10.01.2018 titled 'Smt. Babita vs. Praveen' filed by her, which is pending in the Court of learned Additional District Judge, Palwal to the Court of competent jurisdiction at Karnal.

The marriage between the petitioner and the respondent was solemnized in the month of April 2015 at Karnal. A girl child, who is aged about 2-1/2 years old was born to them.

It is the case of the petitioner that soon after the marriage, the petitioner was harassed by the respondent and her family and she was thrown out from the matrimonial home. The petitioner alongwith her minor child is now residing with her parents at Karnal. The petitioner has filed three cases against the respondents, which are pending at Karnal (i) Criminal case bearing FIR No. 40 dated 16.11.2015, u/s 328, 377, 406 and 498-A IPC, registered at Police Station Women Police, Karnal, District Karnal, (ii) Petition under Section 125 Cr.P.C. and (iii) a case under Protection of Women from Domestic Violence Act, 2005.

The respondent, on the other hand, filed a petition under Section 9 of the Hindu Marriage Act against the petitioner at Hathin which was allowed by learned Additional Civil Judge (Senior Division) Hathin vide order dated 12.12.2017, against which the petitioner has preferred an appeal before learned Additional District Judge, Palwal, which is pending.

Learned counsel for the petitioner submits that the distance between Karnal and Palwal is about 200 KMs. It is very difficult for the petitioner to attend the Court proceedings at Palwal.

Considering the facts and circumstances of the case, this petition is allowed. Civil Appeal No. 11 dated 10.01.2018 titled as 'Smt. Babita vs. Praveen', filed by the petitioner, which is pending in the Court of learned Additional District Judge, Palwal is withdrawn from the said Court and transferred to Karnal. The District Judge, Karnal may assign it to any competent Court.

31.08.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No