

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

TA No.249 of 2018
Date of decision: 11.09.2018

Reen @ Reena Choudhary .. Petitioner
vs.

Ram Mehar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Amardeep Hooda, 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 case under Section 9 of the Hindu Marriage Act, 1955 titled as “Ram Mehar Vs. Reen @ Reena Choudhary”, filed by the respondent, pending in the Court of Additional Civil Judge (Senior Division), Kaithal to a Court of competent jurisdiction at Rohtak.

It is stated that the marriage of the petitioner was solemnized with the respondent on 03.07.2010. Two male children, namely Akshay and Sourabh were born to the parties on 31.07.2013 and 04.10.2014 respectively. Akshay is living with the respondent and Sourabh is living with the petitioner. It is stated that the petitioner was being harassed by the respondent and his family members. She was beaten up by the respondent, which forced the petitioner to return to her parental house on 27.05.2017. Since then, she is residing with her mother along with her minor son. The respondent has filed a petition under Section 9 of the Hindu Marriage Act, at Kaithal. The petitioner is dependent on her mother. There is no one who can accompany the petitioner to Kaithal. Moreover, the respondent has threatened the petitioner and she apprehends danger from him if she is to go to Kaithal. It is also difficult for her to attend the court proceedings at Kaithal, which is at a distance of 130 kms from the place of her residence.

The petitioner has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is pending before the Court of Illaqa Magistrate, Rohtak. Moreover, criminal case against the respondent has also been filed, which is pending. The respondent is appearing in these cases and there will be no hardship to him if the case under Section 9 is also transferred to Rohtak.

The respondent has been served. However, when the case was taken up on 12.07.2018, no one had put in appearance on his behalf. Thereafter, the case was listed on 13.08.2018, on which date also no one appeared on his behalf. Today, also he is unrepresented.

Considering the aforesaid facts and circumstances, this petition is allowed. The case under Section 9 of the Hindu Marriage Act, 1955 titled as “Ram Mehar Vs. Reen @ Reena Choudhary”, filed by the respondent, pending in the Court of Additional Civil Judge (Senior Division), Kaithal is withdrawn from that Court and transferred to Rohtak. The District Judge, Rohtak may assign it to a competent Court at Rohtak.

11.09.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No