

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

TA No.250 of 2018

Date of decision: 08.10.2018

Rajwinder Kaur

.. Petitioner

vs.

Paramjit Singh

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr.Nimanyu Gautam, Advocate
for the petitioner.

Mr. Anantdeep Singh, Advocate
for the respondent.

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Harinder Singh Sidhu, J.

The petitioner wife has filed this petition under Section 24 of the Code of Civil Procedure for transferring the petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Paramjit Singh Vs. Rajwinder Kaur”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Family Court Moga to a Court of competent jurisdiction at Kapurthala.

It is stated that the marriage of the petitioner was solemnized with the respondent on 28.12.2005. A female child namely Ashmeen Kaur was born on 07.11.2007 and a male child namely Robin Singh was born on 06.02.2009 to the parties. It is the case of the petitioner that after the marriage, they stayed for some time in India and later went to Italy. After 5 years of stay in Italy, the petitioner and the respondent along with children had come to India on 22.12.2017 as the marriage of the petitioner's brother was scheduled for 05.02.2018. She stayed at the matrimonial home for some time. However, she was harassed and humiliated by the respondent and his family members. Ultimately, she was thrown out of the matrimonial home. Thereafter, the petitioner along with her parents visited her

matrimonial home to take the children. But she was not allowed to do so. Despite the repeated request by the petitioner and even intervention of the respectables, neither the petitioner nor her family members were allowed to meet the children. On 12.02.2018, the petitioner learnt that the respondent had returned to Italy along with their children. The respondent has also taken away all the documents including the passport of the petitioner. Just 3 days before the respondent left for Italy, he filed the petition under Section 13 of the Hindu Marriage Act, 1955 at Moga.

It is stated that the petitioner has no independent source of income. She is wholly dependent on her father, who is old and had recently suffered a Heart Attack. There is no one in her family who can accompany her to attend the case at Moga, which is at a distance of 85 Kms. from her residence i.e. Sultanpur Lodhi, Kapurthala.

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

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Paramjit Singh Vs. Rajwinder Kaur”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Family Court Moga is withdrawn from that Court and transferred to Kapurthala. The District Judge, Kapurthala may assign it to any competent Court.

08.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No