

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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[TA-255-2018 \(O&M\)](#)
[Date of decision : 28.08.2018](#)

Neha

... Petitioner

Versus

Man Mohit

... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.H.S.Jaswal, Advocate
for the petitioner.

Mr. Kiran Kumar, Advocate for the respondent.

Harinder Singh Sidhu, J.

The petitioner, wife has filed the present application under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 12(1) (C) of the Hindu Marriage Act, 1955 filed by the respondent, husband, pending in the court of Additional District Judge (Family Court), Rohtak titled as “Man Mohit Vs. Neha” to a Court of competent jurisdiction at Ambala where the petitioner is residing with her parents.

The marriage between the parties was solemnized on 5.3.2016. They have no child. The case of the petitioner is that on account of harassment at the hands of the respondent and his family members, the petitioner was forced to leave the matrimonial home and she started living with her parents at Ambala. It is stated that four cases filed by the petitioner against the respondent are pending in the court at Ambala. These are:- FIR No.256 dated 29.11.2016 under Sections 323, 34, 506 of the Indian Penal Code which is pending before the learned Judicial Magistrate 1st Class, Ambala; FIR No.18 dated 8.2.2017 under Sections 323, 354-A, 406, 498A and 506 of the Indian Penal Code, registered at Women Police Station, Ambala which is pending before learned Judicial Magistrate 1st

Class, Ambala; Petition under Section 125 of the Code of Criminal Procedure which is pending in the court of District Judge, Family Court, Ambala; Application under Section 12 of the Protection of the Women from Domestic Violence Act 2005 filed against the respondent pending before the Judicial Magistrate, 1st Class Ambala.

It is the case of the petitioner that the respondent has put in appearance in all the four cases.

The petitioner is unemployed and is wholly dependent on her parents. It would be difficult for her to attend the court proceedings at Rohtak where respondent, husband has instituted petition under Section 12 (1) (C) of the Hindu Marriage Act.

Considering the facts and circumstance of the case, it is appropriate that the petition under Section 13 of the Hindu Marriage Act, filed by the husband, be transferred from Rohtak to Ambala.

Accordingly, this petition is allowed. The petition under Section 12 (1) (C) of the Hindu Marriage Act, 1955 titled as “*Man Mohit Vs. Neha*” pending in the Court of Addl. District Judge (Family Court), Rohtak is withdrawn from that court and transferred to Ambala. The learned District Judge, Ambala may assign it to a competent court at Ambala.

(Harinder Singh Sidhu)
Judge

28.08.2018

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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No