

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 301 of 2018(O&M)
Date of decision:24.09.2018

Anita .. Petitioner

vs.

Mukesh Kumar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Deepak Grovar, Advocate
for the petitioner.

Mr.Ashish Gupta, Advocate
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 case titled as 'Mukesh Kumar vs. Anita and ors.', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Ferozepur Jhirkha, District Nuh to a Court of competent jurisdiction at Palwal.

The marriage between the petitioner and the respondent was solemnized on 09.03.2011. No child was born to them.

The case of the petitioner is that from the very beginning the relations between the petitioner and the respondent were not cordial. The petitioner was tortured and harassed by the respondent and his family members on the ground of dowry and ultimately in the month of February 2014 she was thrown out from her matrimonial home and since then she is living with her widowed mother at village Madnaka, Tehsil Hathin, District Palwal. The petitioner has no independent source of income. It is very difficult for the petitioner to attend the Court proceedings at Ferozepur

Jhirkha, which is at a distance of about 80 KM from the present residence

of the petitioner. Moreover, the petitioner does not feel safe to travel all alone to attend the Court proceedings at Ferozepur Jhirkha.

Learned counsel for the respondent, on the other hand, contended that the case may be transferred to District Nuh, which is a mid way between Ferozepur Jhirkha and Palwal.

Considering the facts and circumstances of the case and the fact that the petitioner is residing with her widowed mother, who is old and ailing and she has no source of income, the contention of learned counsel for the respondent, cannot be accepted.

Accordingly, the transfer application is allowed. The petition under Section 9 of the Hindu Marriage Act, titled as 'Mukesh Kumar vs. Smt. Anita and others', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Ferozepur Jhirkha, District Nuh is withdrawn from the said Court and transferred to Palwal. The District Judge-cum-Family Court, Palwal may assign it to a competent Court.

24.09.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No