

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

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TA No.303 of 2018 (O&M)
Date of decision : 31.10.2018

Ritu Rani

... Petitioner

Versus

Subendhu

.... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Shiva Khurmi, Advocate for
Mr.Sarfraj Hussain, Advocate
for the petitioner.

Mr.R.D.Yadav, Advocate for the respondent.

Harinder Singh Sidhu, J.

CM No.23277 CII of 2018

CM is allowed. Additional affidavit dated 20.10.2018 of the
respondent is taken on record.

Main petition

Petitioner (wife) has filed the present petition under Section 24
of the Code of Civil Procedure for transfer of the petition under Section 13
(1) (ia) of the Hindu Marriage Act, 1955 titled as “Subendhu Vs. Ritu Rani”
filed by the respondent (husband) which is pending before learned Addl.
District Judge, Rewari, to a court of competent jurisdiction at Gurugram.

It is stated that marriage between the petitioner and respondent
was solemnized on 19.4.2013. A male child was born to them who is
presently about 3-1/2 years old.

It is the case of the petitioner that from the beginning, she has
been harassed and tortured by the respondent and his family members on
account of dowry. When the harassment and torture did not stop, the

petitioner lodged a complaint with the police against the respondent and his family members at Gurugram. Thereafter, the respondent has filed the petition under Section 13 of the Hindu Marriage Act, 1955 at Rewari.

It is stated that the petitioner is residing along with her minor child at village Harsaru, Tehsil and District Gurgaon. It would be very difficult for her to attend the court proceedings at Rewari. It is further stated that the respondents have been extending threats to her life saying that if she visits their area, they would kidnap and kill her as and when they get a chance.

On the other hand, learned counsel for the respondent states that due to persistent threats given by the goons sent by the petitioner, the respondent had to leave his job and now he has opened a rented shop of Patanjali product at Rewari. He has further stated that the difficulty faced by the petitioner in attending the court proceedings at Rewari is evidently false as she has been pursuing for two years B.Ed course from Golden Valley College of Education in Rewari. Thus, there is also no substance in her contention that she apprehends danger from the respondent.

With regard to the contentions of the learned counsel, of threat perceptions to the respective parties, it need only be noted that so far no complaint has been filed by either of the parties regarding this.

Considering the fact that the petitioner has a 3-1/2 yrs. old minor child who is residing with her at village close to Gurugram, this petition is allowed.

The petition under Section 13 (1)(ia) of the Hindu Marriage Act, 1955 titled as “Subendhu Vs. Ritu Rani” filed by the respondent (husband) which is pending before learned Addl. District Judge, Rewari, is

withdrawn from that court and transferred to Gurugram. The learned District Judge, Gurugram may assign it to a competent court.

Needless to add, if there is any act on the side of the petitioner which constitutes threat to the safety of the respondent, it would be open for the respondent to move an appropriate application.

(Harinder Singh Sidhu)
Judge

31.10.2018
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No