

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

207

TA No.306 of 2018  
Date of decision : 3.10.2018

Anita Kumari

...Petitioner

Versus

Rajinder Kumar

....Respondent.

**CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present:- Ms.Karmanjot Kaur, Advocate for  
Mr.Rajesh Kapila, Advocate  
None for the respondent.

Harinder Singh Sidhu, J.

Petitioner-wife has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 13 of the Hindu Marriage Act, tilted as “Rajinder Kumar Vs. Anita Kumari”, pending before the learned Addl.District Judge, Amritsar, to a court of competent jurisdiction at Gurdaspur.

It is stated that marriage of the petitioner with the respondent was solemnized on 4.7.2008. A son namely Tanvir was born to them on 2.10.2015. It is stated that earlier, the petitioner was married with Sunil Kumar, brother of the respondent and from that wedlock, one female child namely Saloni was born. Sunil Kumar had died on 19.3.2007. After his death, petitioner contracted marriage with the respondent.

After some time of marriage, the respondent and his family members started harassing and torturing the petitioner on account of dowry. Number of times, the petitioner was thrown out of the matrimonial home along with her children. Parents of the petitioner sent her back to the matrimonial home. Ultimately, in the month of April, 2014, the respondent and his family members once again threw out the petitioner and her child from the matrimonial home. Since then, the petitioner alongwith her minor son is residing with her parents at village Chahia, Tehsil and District Gurdaspur.

The petitioner has filed a petition under Section 125 Cr.P.C. for maintenance, which is pending in the court of learned ACJM, Gurdaspur.

Thereafter, the respondent has filed the petition under Section 13 of the

Hindu Marriage Act at Amritsar.

It is stated that Amritsar is about 90 Kms. from Gurdaspur. The petitioner has no independent source of income. She is wholly dependent upon her parents. She is single handedly, maintaining her minor son aged about 3 years. and minor daughter from her previous marriage with the brother of the respondent. It is difficult for the petitioner to attend the court proceedings at Amritsar.

The respondent has been served. However, no one has put in appearance on his behalf. On the previous date also, no one had appeared for the respondent.

Considering the facts and circumstance of the case, this petition is allowed. The petition under Sections under Section 13 of the Hindu Marriage Act, titled as “Rajinder Kumar Vs. Anita Kumari”, pending before the learned Addl.District Judge, Amritsar, is withdrawn from that court and transferred to Gurdaspur. The learned District Judge, Gurdaspur may assign the same to a competent court at Gurdaspur.

**(Harinder Singh Sidhu)**  
**Judge**

3.10.2018

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