

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

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TA No.307 of 2018
Date of decision : 1.10.2018

Harpreet Kaur and another

...Petitioners

Versus

Balkar Singh

....Respondent.

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.L.S.Mann, Advocate for the petitioner.
Mr.Sarju Puri, Advocate for the respondent.

Harinder Singh Sidhu, J.

Reply to transfer application filed in the court today, is taken on record.

Petitioner No.1-wife has filed the petition under Section 24 of the Code of Civil Procedure for transfer of petition under Sections 18/20 of Hindu Adoption and Maintenance Act, 1955 (Annexure P/2) titled as “Harpreet Kaur and another Vs. Balkar Singh” pending before the court of learned District Judge, SBS Nagar to a court of competent jurisdiction at Nakodar.

Marriage of petitioner No.1 was solemnized with the respondent on 16.12.2012. One son, namely Harmanbeer Singh, petitioner No.2 was born to them who is presently about 5 yrs. old.

It is the case of the petitioner that from the very beginning of the marriage, she has been harassed and humiliated by the respondent and his family members on account of dowry. The respondent even beat the petitioner on number of occasions but she remained silent just to keep her relation alive. Finally, in September, 2016, respondent turned out petitioner No.1 along with petitioner No.2 (minor son) from her matrimonial home. Since then, the petitioner No.1 alongwith petitioner Ni.2 is living in her parental house at village Dhaliwal, Teshil Nakodar, District Jalandhar.

Respondent had filed a petition under Section 9 of the Hindu Marriage Act against petitioner No.1 for restitution of conjugal rights in which the respondent had admitted that he would go to the parental house of petitioner no.1 to bring her back and would also make a payment of Rs.1000/- on or before 10th of every month to petitioner No.1. But the respondent did not fulfil his promise. On the contrary, he filed a petition under Section 13 of the Hindu Marriage Act, seeking divorce, which was allowed by the learned Addl. District Judge, SBS Nagar, vide judgment and decree dated 9.10.2017. Petitioner No.1 has filed an appeal thereagainst in which operation of the said judgment and decree has been stayed.

It is stated that petitioner No.1 has no independent source of income. She has to maintain herself and her minor son. They are living with her parents. Petitioner No.1 has filed a petition under Section 125 Cr.P.C. against the respondent for maintenance. Thereafter, the petitioners had to file suit for maintenance under Sections 18/20 of the Hindu Adoption and Maintenance Act. The distance between the place of residence of the petitioner i.e. Jalandhar and SBS Nagar is more than 74 kms. It is difficult for the petitioners to attend the court proceedings at SBS Nagar. Moreover, the respondent has already been appearing in various proceedings pending against him at Jalandhar. So, it would cause no prejudice to the respondent if the case is transferred from SBS Nagar to Nakodar.

Learned counsel for the respondent has opposed the transfer of the case and stated that he is willing to compensate the petitioner for traveling expenses which would be incurred by her in attending the court at SBS Nagar. Further, since the petitioner herself has chosen to file the

petition at SBS Nagar, she cannot subsequently take a contradictory stand and seek transfer of the same.

Considering the facts and circumstance of the case, this petition is allowed. The petition under Sections 18/20 of the Hindu Adoption and Maintenance Act, 1955 (Annexure P/2) tilted as “Harpreet Kaur and another vs. Balkar Singh” pending in the court of learned District Judge SBS Nagar, is withdrawn from that court and transferred to Jalandhar. The learned District Judge, Jalandhar may assign the same to a competent court at Nakodar.

(Harinder Singh Sidhu)
Judge

1.10.2018

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