

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

TA No.322 of 2018

Date of decision: 08.10.2018

Sanya

.. Petitioner

vs.

Amit Kumar

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr.Sanjiv K. Aggarwal, Advocate for the petitioner.

Mr. Rajesh Khandelwal, Advocate for the respondent.

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Harinder Singh Sidhu, J.

The petitioner-wife has filed this petition under Section 24 of the Code of Civil Procedure for transferring the petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Amit Kumar Vs. Sanya”, filed by the respondent-husband, which is pending in the Court of Ld. Additional District Judge, Jind to a Court of competent jurisdiction at Kaithal.

It is stated that the marriage of the petitioner was solemnized with the respondent on 26.01.2015. The parties do not have any child. It is the case of the petitioner that immediately after the marriage, the petitioner was harassed and humiliated by the respondent and his family members on account of dowry. She was forced to leave the matrimonial home on 30.07.2015. Since then she is residing with her parents at Kaithal.

The petitioner has filed a petition under Section 125 Cr.P.C. for maintenance, which is pending before the Ld. Judicial Magistrate Ist Class, Kaithal. A complaint under the Protection of Women from Domestic Violence Act, 2005 against the respondent is also pending at Kaithal. FIR No. 10 dated 13.02.2016 under Section 406/498A IPC, Police Station Women, Kaithal has also been registered against the respondent.

Thereafter, the respondent has filed the petition under Section

13 of the Hindu Marriage Act, 1955 at Jind.

It is stated that the petitioner has no independent source of income. She is wholly dependent on her parents. She is residing at Village Dhand. It is very difficult for her to attend the Court proceedings at Jind, which is at a distance of 80 Kms. from her place of residence. Moreover, there are three proceedings pending at Kaithal, in which the respondent is already appearing and if the present petition is also transferred to Kaithal, he would not suffer any hardship.

Learned counsel for the respondent on the other hand, contends that the respondent is apprehensive about his safety as the petitioner has a close relationship with local DSP at Kaithal. In fact an FIR No.185 dated 10.05.2016 under Section 323, 506 IPC lodged against the respondent and his father at the instance of the petitioner for allegedly threatening the petitioner has been found false on an enquiry conducted by the Police.

Notwithstanding the apprehension of the respondent. Considering the facts and circumstances and that the respondent is already facing three proceedings at Kaithal in which he has been appearing, the present is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955 DMC No.140/2018 titled as "Amit Kumar Vs. Sanya", filed by the respondent-husband, which is pending in the Court of Ld. Additional District Judge, Jind is withdrawn from that Court and transferred to Kaithal. The District Judge, Kaithal may assign it to any competent Court.

08.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No