

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

TA No.896 of 2017 (O&M)
Date of decision: 13.11.2018

Alka .. Petitioner

vs.

Rajiv Kumar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Ms. Harjeet Savra, Advocate
for the petitioner.

Mr. A.S. Sidhu, 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 “Rajiv Kumar Vs. Alka Arora”, filed by the respondent-husband, which is pending in the Court of Ld. Additional District Judge, Tarn Taran to a Court of competent jurisdiction at Moga.

The marriage of the petitioner was solemnized with the respondent on 26.11.2003. They have two children, a son namely Sahil Arora and a female child namely Babish, who are studying at Class 12th and 7th respectively. Both the children are residing with the respondent.

It is the case of the petitioner that she was harassed and maltreated by the respondent and his family members on account of dowry and ultimately she was thrown out from the matrimonial home on 04.08.2016. Since then, she is living with her parents at Baghpurana, District Moga.

The petitioner has filed a petition under Section 125 Cr.P.C., which is pending at Moga. The petitioner has also filed a petition under

Section 12 of the Protection of Woman from Domestic Violence Act, which is pending at Moga. On the other hand, the respondent has filed the petition under Section 13 of the Hindu Marriage Act, 1955 at Tarn Tarani. It is difficult for the petitioner to attend the Court proceedings at Tarn Taran which is at a distance of 105 Kms. from Baghpurana, District Moga, where the petitioner is residing. The respondent is already facing two proceedings at Moga and if the petition under Section 13 of the Hindu Marriage Act, 1955 is transferred from Tarn Taran to Moga, he would not suffer any hardship.

Considering the aforesaid facts and circumstances, this petition is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Rajiv Kumar Vs. Alka Arora”, filed by the respondent-husband, which is pending in the Court of Ld. Additional District Judge, Tarn Taran is withdrawn from that Court and transferred to Moga. The District Judge, Moga may assign it to any competent Court.

13.11.2018
Atul

(Harinder Singh Sidhu)
Judge

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