

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No. 337 of 2018(O&M)
Date of decision: 24.07.2018

Hemlata .. Petitioner
vs.
Neeraj .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.
None for the respondent.

Harinder Singh Sidhu, J.

The petitioner, who is the wife of the respondent, has filed this transfer application under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 13(1)(i)(ia) of the Hindu Marriage Act, 1955 titled 'Neeraj vs. Hemlata', filed by the respondent, which is presently pending in the Court of learned Additional District Judge, Rewari to the court of competent jurisdiction at Faridabad.

The marriage between the petitioner and the respondent was solemnized on 09.05.2016. It is stated that soon after the marriage, the respondent and his family members started maltreating the petitioner. She was turned out from her matrimonial home on 15.05.2017 and since then she is residing with her parents at Faridabad. The petitioner filed a petition under Section 125 of the Code of Criminal Procedure, which is pending before learned Family Court, Faridabad. An FIR No. 385 dated 27.09.2017 under Sections 323, 498-A read with section 34 IPC was also registered at Police Station Old Faridabad and challan has been presented.

The respondent has filed a petition under Section 13(1)(i)(ia) of the Hindu Marriage Act, 1955 titled 'Neeraj vs. Hemlata', which is presently pending in the Court of learned Additional District Judge, Rewari.

It is stated that the distance between Rewari and Faridabad is more than 100 KM. The petitioner is un-employed and wholly dependent upon her parents. It is very difficult for the petitioner to attend the Court proceedings at Rewari.

Despite service, none has put in appearance for the respondent. Vide order dated 25.05.2018 he was proceeded against ex-parte. Thereafter, the case was listed on July 09, 2018 and 16.07.2018. However, the respondent has neither appeared in person nor has anyone appeared on his behalf.

Considering the facts and circumstances of the case, this petition is allowed. The petition under Section 13(1)(i)(ia) of the Hindu Marriage Act, 1955 titled 'Neeraj vs. Hemlata', filed by the respondent, which is presently pending in the Court of learned Additional District Judge, Rewari is withdrawn from the said Court and transferred to the Family Court, Faridabad.

24.07.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No