

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

TA No.340 of 2018

Date of decision: 05.10.2018

Sonal Gupta

.. Petitioner

vs.

Sahil Gupta

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. M.S. Sachdev, Advocate
 for the petitioner.

Mr. Sanjeev Manhas, Advocate

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 “Sahil Gupta Vs. Sonal Gupta”, filed by the respondent-husband, which is pending in the Court of Ld. Additional District Judge, Ludhiana to a Court of competent jurisdiction at Jalandhar.

It is stated that the marriage of the petitioner was solemnized with the respondent on 16.04.2014. Since the very beginning, the petitioner was treated with cruelty and harassed by the respondent. On 18.10.2015, the respondent told the petitioner that he can no longer live with her. She was forcibly left on the road in between Goraya and Phagwara. Thereafter, the petitioner went to her parental home at Jalandhar. An FIR No.16 dated 29.03.2017, under Section 406, 498-A IPC, P.S. Women Jalandhar has been registered against the respondent. A complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 has also been filed against the respondent at Jalandhar. A petition under Section 125 Cr.P.C. filed against the respondent is also pending at Jalandhar.

The respondent thereafter filed the petition under Section 13 of the Hindu Marriage Act, 1955 at Ludhiana.

It is stated that the respondent has not paid any maintenance to the petitioner despite the direction in the petition under Section 125 Cr.P.C. . The petitioner has no independent source of income. She is presently pursuing her studies in the U.K. The distance between Jalandhar and Ludhiana is approximately 60 Kms. The petitioner also apprehends danger to her life if she is to attend the Court proceedings at Ludhiana as the respondent has threatened the petitioner a number of times.

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

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Sahil Gupta Vs. Sonal Gupta”, filed by the respondent-husband, which is pending in the Court of Ld. Additional District Judge, Ludhiana is withdrawn from that Court and transferred to Jalandhar. The District Judge, Jalandhar may assign it to a Court of competent jurisdiction.

05.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No