

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 348 of 2018(O&M)

Date of decision:03.10.2018

Anujeet Kaur

.. Petitioner

vs.

Kamaljit Singh

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.
Mr. Gaurav Gupta, Advocate
for the respondent.

Harinder Singh Sidhu, J.

The petitioner-wife has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of case under Section 13 of the Hindu Marriage Act, 1955 titled as 'Kamaljit Singh vs. Anujeet Kaur', filed by the respondent, which is pending in the Court of learned District Judge-Ferozepur to a Court of competent jurisdiction at Moga.

The marriage between the petitioner and the respondent was solemnized on 09.01.2015. They do not have a child.

The case of the petitioner is that soon after marriage, the respondent and his family members started harassing her on account of dowry. The situation became unbearable and she was turned out of the matrimonial home in the month of January 2018. Since then she is living with her parents at village Bhinder Kalan, Tehsil Dharamkot, District Moga.

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

The petitioner has no independent source of income and is wholly dependent upon her parents. It is very difficult for the petitioner to attend the Court proceedings at Ferozepur, which is at a distance of about 70 KMs from her place of the residence.

It is also stated that the petitioner is suffering from epilepsy and due to that she cannot travel alone.

Learned counsel for the respondent, on the other hand, contends that the respondent is presently residing in Italy and he is represented in the Court through a Power of attorney Gurbaksh Ram, who is aged about 60 years. If the present case is transferred to Moga then it is difficult for him to pursue the case.

Be that as it may, considering the fact that the petitioner is suffering from epilepsy and as per medical advice, she cannot travel alone, the transfer application is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as 'Kamaljit Singh vs. Anujeet Kaur', filed by the respondent, which is pending in the Court of learned District Judge, Ferozepur is withdrawn from the said Court and transferred to Moga. The District Judge Moga may assign it to a Court of competent jurisdiction.

03.10.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No