

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 374 of 2018(O&M)
Date of decision:-13.09 .2018

Sonia Rani	vs.	.. Petitioner
Deepak Kumar		.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Ravish Bansal, Advocate
for the petitioner.

Mr. A.S. Cheema, Advocate
for the respondent.

Harinder Singh Sidhu, J.

The petitioner- wife has filed the present transfer application under Section 24 of the Code of Civil Procedure for transfer of case bearing HMA No. 451 of 2016 titled as 'Deepak Kumar vs. Sonia Rani', filed by the respondent, which is pending in the Court of learned District Judge (Family Court) Moga to a Court of competent jurisdiction at Faridkot.

It is stated that the marriage of the petitioner with the respondent was solemnized on 19.04.2015. A daughter namely Kirtan Sharma was born to them on 25.12.2015. The petitioner was continuously harassed by the respondent and his family members on account of demand of dowry. When the petitioner was at an advanced stage of pregnancy, she was turned out from her matrimonial home in the month of November 2015. She alongwith her minor daughter are presently residing at village Golewala, Tehsil and District Faridkot. It is further stated that on 13.01.2017 when the petitioner was returning after attending the court proceedings at Moga, she was manhandled and threatened by the respondent and his father, regarding which an FIR No. 33 dated 4.3.2017 under Sections 341, 323 and 506 read with Section 34 IPC and Section 67 of the Information Technology Act was

registered at Police Station City Kotkapura against them. The petitioner has also filed a complaint under Sections 12,17,18,19,20,22 and 23 of the Protection of Women from Domestic Violence Act, 2005, which is pending in the Court of learned Judicial Magistrate at Faridkot. Besides these, a petition under Section 125 Cr.P.C. filed by the petitioner, is also pending at Faridkot.

It is stated that it is very difficult for petitioner to attend the Court proceedings at Moga, which is at a distance of about 60 KM from village Golewala where the petitioner is presently residing. The parents of the petitioner are old. Her brother is residing in Canada. There is no one in the family to accompany her to attend the Court proceedings at Moga.

Learned counsel for the respondent, on the other hand, contended that the petition under Section 13 of the Hindu Marriage Act, had been filed by the respondent in the year 2016. The evidence of both the parties have been concluded and arguments have been advanced by the respondents herein. The case is now fixed for 18.09.2018 for final arguments by counsel for the petitioner herein.

Considering the fact that the case is now fixed for arguments counsel for the petitioner herein, it would not be proper to transfer the case at this belated stage.

Dismissed.

13.09.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No