

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

TA No.409 of 2018
Date of decision: 25.09.2018

Sawarn Kaur @ Hukamjit Kaur .. Petitioner

vs.

Gurpreet Singh .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Ashok Bhardwaj, Advocate for the petitioner.

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

Harinder Singh Sidhu, J.

Reply filed on behalf of the respondent in the Court today is taken on record.

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 “Gurpreet Singh Vs. Sawarn Kaur”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Mansa to a Court of competent jurisdiction at Sangrur.

It is stated that the marriage of the petitioner was solemnized with the respondent on 25.02.2015. There is no child from the marriage. It is the case of the petitioner that she has been repeatedly beaten by the respondent and his family members. The petitioner was thrown out from her matrimonial home on 29.06.2016 and since then she is residing with her parents at village Kheri Kalan, Tehsil Dhuri, District Sangrur. Efforts to resolve the dispute between the petitioner and the respondent were made but without success.

The petitioner has filed an application under Section 125 Cr.P.C. for grant of maintenance, which is pending in the Court of Ld.

JMIC, Dhuri. The petitioner has also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is also pending in the Court of Ld. JMIC, Dhuri. The respondent had earlier filed a petition under Section 9 of the Hindu Marriage Act, which he withdrew on 09.09.2017. Thereafter, he has filed the present petition under Section 13 of the Hindu Marriage Act at Mansa. It is stated that the petitioner is unemployed and she has no independent source of income. There is no one at her parental home, who can accompany her to pursue the petition at Mansa. It is difficult for the petitioner to attend the Court proceedings at Mansa which is at a distance of 70 Kms. from Sangrur.

It is further contended that as four cases between the parties are pending at Dhuri the respondent would not be prejudiced if the petition under Section 13 of the Hindu Marriage Act is transferred from Mansa to District Sangrur. The respondent is serving in the Army and is presently posted at Sikkim.

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

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as "Gurpreet Singh Vs. Sawarn Kaur", filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Mansa is withdrawn from that Court and transferred to Sangrur. The District Judge, Sangrur may assign it to a Court of competent jurisdiction at Sangrur.

25.09.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No