

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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TA No.421 of 2018 (O&M)
Date of decision : 28.09.2018

Ranjit Gupta @ Rajni Goyal

... Petitioner

Versus

Rajan Gupta

.... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.G.C.Shahpuri, Advocate
for the petitioner.
Mr.S.S.Nain, Advocate for the respondent.

Harinder Singh Sidhu, J.

Petitioner (wife) has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Rajan Gupta Vs. Rajni Gupta alia Rajni Goyal” filed by the respondent (husband) which is pending before Addl. District Judge, Family Court, Karnal, to a court of competent jurisdiction at Yamuna Nagar at Jagadhri.

It is stated that marriage between the petitioner and respondent was solemnized on 12.09.2010. It is the second marriage of both the parties. There is no child from this marriage.

It is the case of the petitioner that since very beginning, she has been harassed at the hands of respondent and his family members on account of dowry because of which, she was forced to leave her matrimonial home and go back to her parental home. She is residing at Yamuna Nagar alongwith her widowed mother.

The petitioner has instituted a petition under Section 125 Cr.P.C. for grant of maintenance which is pending at Yamuna Nagar.

Another petition under Section 12 of the Protection of Women From

Domestic Violence Act, 2005 filed by the petitioner is also pending at Yamuna Nagar.

A civil suit for claiming unliquidated damages filed by the respondent against the petitioner which was instituted at Karnal has been transferred by this Court to Yamuna Nagar at Jagadhri. Accordingly, it is contended that there are three cases against the respondent pending at Yamuna Nagar and the respondent has been appearing in those cases. Hence, there would be no prejudice to him if petition under Section 13 of the Hindu Marriage Act is transferred from Karnal to Yamuna Nagar.

Learned counsel for the petitioner states that she does not have sufficient means even for her bare survival. Besides, there is no other family member except her old aged mother to accompany her to attend the court proceedings at Karnal. She is residing in a tenanted premises along with her mother.

Considering the facts and circumstance of the case, this petition is allowed. The petition under Section 13 of the Hindu Marriage Act, 1955 titled as "Rajan Gupta Vs. Ranji Gupta alias Rajni Goyal" filed by the respondent, pending in the Court of learned District Court, Karnal is withdrawn from that court and transferred to Yamuna Nagar at Jagadhri. The learned District Judge, Yamuna Nagar at Jagadhari may assign it to a competent court.

(Harinder Singh Sidhu)
Judge

28.09.2018

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No