

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

TA No.459 of 2018
Date of decision: 16.10.2018

Neha Sharma .. Petitioner
vs.

Tarun Sharma .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Abhimanyu Batra, Advocate
for the petitioner.

Mr. Ram Karan Agnihotri, Advocate
for the respondent.

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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 “Tarun Sharma Vs. Neha Sharma” filed by the respondent-husband, pending in the Court of Ld. District Judge, Jhajjar to a Court of competent jurisdiction at Gurugram.

The marriage of the petitioner was solemnized with the respondent on 12.12.2015. There is no child from the marriage. It is the case of the petitioner that soon after the marriage she was thrown out from the matrimonial home for not bringing the sufficient dowry. Since then the petitioner is residing with her parents at Gurugram. The petitioner has filed the following cases, which are pending at Gurugram:-

(i) Petition u/s 125 Cr.P.C. titled as Neha Sharma Vs. Tarun Sharma for grant of maintenance to the petitioner pending at Gurugram.

(ii) Complaint under the Protection of Women from Domestic Violence Act, 2005 pending at District Gurugram.

(iii) FIR No.200 of 2016 u/s 406 and 498A of IPC pending before Ld. J.M.I.C. Gurugram.

The respondent has filed the petition under Section 13 of the Hindu Marriage Act, at Jhajjar.

It is stated that the petitioner has no independent source of income. She is wholly dependent on her parents. It is very difficult for her to attend the Court proceedings at Jhajjar, which is at a distance of 45 Kms. from Gurugram. On the other hand, if the petition under Section 13 filed by the respondent is transferred to Gurugram, the respondent would not suffer any inconvenience, inasmuch as he is also appearing in three cases at Gurugram.

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

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as "Tarun Sharma Vs. Neha Sharma" filed by the respondent-husband, pending in the Court of Ld. District Judge, Jhajjar is withdrawn from that Court and transferred to Gurugram. The District Judge, Gurugram may assign it to any competent Court.

16.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No