

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

217

TA No.472 of 2018 (O&M)
Date of decision : 05.09.2018

Nisha

... Petitioner

Versus

Rattan Mohan

.... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Damandeep Singh, Advocate
for the petitioner.

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 “Rattan Mohan Vs. Nisha” filed by the respondent (husband) which is pending before Addl. District Judge, Amritsar, to a court of competent jurisdiction at SAS Nagar (Mohali).

It is stated that marriage between the petitioner and respondent was solemnized on 16.09.2016. Soon after the marriage, respondent and his family members started insulting and humiliating the petitioner and demanding more dowry. Ultimately she was thrown out of the matrimonial home on 29.12.2016.

The petitioner has filed a criminal complaint against the respondent under Sections 498-A, 406, 506 of IPC in Police at Mohali. The respondent thereafter filed the petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Rattan Mohan Vs. Nisha” which is pending before Addl. District Judge, Amritsar.

The petitioner is working as a teacher. Her parents are old and suffering from various ailments. There is no one in the family to accompany her to attend the court proceedings at Amritsar which is at a distance of

about 250 kms from the place of residence of the petitioner.

Notice of motion was issued in this case on 21.5.2018. As per office report, notice issued to the respondent has been received back with the report “avoiding service but affixation done”. No one had appeared on behalf of the respondent when the case was listed on 28.8.2018. Today also, no one has appeared on behalf of the respondent.

Considering the facts and circumstance of the case, it is deemed appropriate that the petition under Section 13 of the Hindu Marriage Act, filed by the respondent be transferred from Amritsar to SAS Nagar (Mohali).

Accordingly, this petition is allowed. The petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Rattan Mohan Vs. Nisha” pending in the Court of Additional District Judge, Amritsar is withdrawn from that court and transferred to SAS Nagar (Mohali). The learned District Judge, Mohali may assign it to a competent court at Mohali.

(Harinder Singh Sidhu)
Judge

05.09.2018

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