

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

Transfer Application No.489 of 2018

Date of decision: October 09, 2018

Radhika

...Petitioner

Versus

Vishal Galhotra

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Ruhani Chadha, Advocate for the petitioner.

Mr.Abhijat Gaur, Advocate for the respondent.

Harinder Singh Sidhu, J. :

The petitioner-wife has filed the present application under Section 24 of the Code of Civil Procedure for transfer of the case titled as “Vishal Galhotra vs. Radhika” under Section 9 of Hindu Marriage Act, filed by the respondent-husband, from the Court of Ld. District Judge, Amritsar to a court of competent jurisdiction at Jalandhar.

It is stated that marriage between the parties was solemnised on 6.5.2011. A son, namely Aman Galhotra was born to them on 15.3.2012.

It is the case of the petitioner that soon after the marriage, the respondent and his family members started harassing her on account of dowry. She was tortured by them. The attitude of the respondent did not change even after the birth of the child. In September, 2016, despite the parents of the petitioner meeting all their demands of dowry, the respondent and his family members threw the petitioner along with the child out of her matrimonial house. A complaint was made to the Police in this regard, whereupon, a compromise was arrived at between the parties on 25.11.2016. Thereafter, the petitioner went to her matrimonial home. However, on 9.8.2017, she was again turned out of her matrimonial home and since then she is residing with her parents at Jalandhar.

The petitioner filed a petition under Section 12 of the

Protection of Women from Domestic Violence Act, 2005 which is pending at Jalandhar. Thereafter, the respondent has filed the petition under Section 9 of the Hindu Marriage Act at Amritsar just to harass the petitioner, though, he has a business establishment at Jalandhar.

It is stated that the petitioner has no independent source of income. She is wholly dependent on her parents. The distance between Jalandhar and Amritsar is about 85 kilometers. It is difficult for her to attend the proceedings at Amritsar. Moreover, the petitioner is apprehensive regarding her personal safety if she goes to attend the Court at Amritsar. The respondent shall have no difficulty at Jalandhar as he is already attending proceedings in courts at Jalandhar. Besides, he also has a business establishment there.

Keeping in view the aforesaid facts and circumstances, this petition is allowed. The case titled as “Vishal Galhotra vs. Radhika” under Section 9 of Hindu Marriage Act, 1955 filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Amritsar is withdrawn from the said Court and transferred to Jalandhar. The District Judge, Jalandhar may assign it to any competent Court.

October 09, 2018

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(HARINDER SINGH SIDHU)

JUDGE Whether Speaking / Reasoned Yes/No