

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

TA No.544 of 2018
Date of decision: 13.11.2018

Princy .. Petitioner

vs.

Anil Kumar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Virender Partap Singh, Advocate
for the petitioner.

None 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 9 of the Hindu Marriage Act, 1955 titled as “Anil Kumar Vs. Princy”, filed by the respondent-husband, which is pending in the Court of Ld. Civil Judge, Sr. Division Gurdaspur to a Court of competent jurisdiction at Pathankot.

The marriage of the petitioner was solemnized with the respondent on 03.09.2016. A son namely, Divyansh @ Bhanu was born to them on 08.07.2017.

It is the case of the petitioner that she has been harassed on account of dowry. On a demand raised by the respondent, the father of the petitioner gave Rs. 2 lacs to him in December 2016. Another Rs.2 lacs were given to the respondent in January, 2017. The petitioner was repeatedly beaten by the respondent. On 10.01.2018, she was severely beaten by he respondent and his mother, because of which, she had no option but to leave

the matrimonial home. Since then she is residing with her parents at Pathankot.

The petitioner has filed a criminal complaint under Section 406, 498-A, 323, 506, 34 IPC before the Judicial Magistrate 1st Class, Pathankot. The petitioner has also filed petition under Section 125 Cr.P.C. for grant of maintenance at Pathankot. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is pending before Judicial Magistrate, Ist Class, Pathankot.

The respondent has filed the petition under Section 9 of the Hindu Marriage Act, 1955 at Gurdaspur.

The petitioner has no independent source of income. She is wholly dependent upon her parents. It is difficult for the petitioner to attend the Court proceedings at Gurdaspur, which is at a distance of 55 kms, from Pathankot, where the petitioner is residing. The mother of the petitioner is suffering from various ailments. Moreover, if the petition under Section 9 of the Hindu Marriage Act, 1955 is transferred from Gurdaspur to Pathankot, the respondent would not suffer any hardship as he is already appearing in three cases at Pathankot.

The respondent has been served. However, no one has put in appearance on his behalf. On the previous date i.e. 13.09.2018 also no one appeared on his behalf.

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

The petition under Section under Section 9 of the Hindu Marriage Act, 1955 titled as “Anil Kumar Vs. Princy”, filed by the respondent-husband, which is pending in the Court of Ld. Civil Judge, Sr.

Division Gurdaspur is withdrawn from that Court and transferred to Pathankot. The District Judge, Pathankot may assign it to any competent Court.

13.11.2018
Atul

(Harinder Singh Sidhu)
Judge

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