

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 548 of 2018(O&M)
Date of decision: 31.08.2018

Rekha .. Petitioner
vs.
Pritam Singh .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Pawan Attri, Advocate
for the petitioner.

None for the respondent.

Harinder Singh Sidhu, J.

The petitioner, who is the wife of the respondent-Pritam Singh, has filed the present petition under Section 24 read with Section 151 of the Code of Civil Procedure for transfer of petition bearing HMA No. 12/2018 titled as 'Pritam vs. Rekha', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Guhla District Kaithal to the Family Court at Jind.

It is stated that the marriage between the petitioner and the respondent was solemnized on 20.02.2007. Two sons namely Jatin and Himanshu were born to them on 03.02.2008 and 24.11.2010 respectively. Himanshu, the younger son is residing with the petitioner. The respondent has repeatedly harassed, beaten and misbehaved with the petitioner because of which, she had on more than one occasion left the matrimonial home. However, on the assurance of the respondent, the petitioner came back to the matrimonial home but the behaviour of the respondent did not change. With regard to the allegations of beating of the petitioner by the respondent, she had also filed a complaint before the Women Cell but the matter was settled by her in the interest of saving her marriage.

The petitioner also filed a divorce petition on 07.09.2016 on the ground of cruelty. However, she withdrew the same on assurance of the respondent that no such cause of complaint will happen in future. Despite the assurance, the respondent again beat up the petitioner on 19.06.2017 and threw her out from the matrimonial home and since then she is residing with her parents at village Pillukhera.

The respondent has now filed a petition under Section 9 of the Hindu Marriage Act, which is pending in the Court of learned Additional Civil Judge (Senior Division), Guhla, District Kaithal.

Learned counsel for the petitioner states that the petitioner alongwith her son namely Himanshu is residing with her parents, who are aged. It is very difficult for the petitioner to attend the Court proceedings at Guhla, which is at a distance of about 100 KM from her residence. Moreover, she apprehends physical harm from the respondent if she is to attend the court proceedings at Guhla, District Kaithal.

The respondent has been served. However, no one put in appearance on his behalf on 10.08.2018. Today also the position is the same.

Considering the facts and circumstances of the case, this petition is allowed. The petition bearing HMA No. 12/2018 titled as 'Pritam vs. Rekha', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Guhla, is withdrawn from the said Court and transferred to Jind. The District Judge, Jind may assign it to any competent Court.

31.08.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No