

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

TA No.561 of 2018

Date of decision: 05.10.2018

Tanu Jain

.. Petitioner

vs.

Vishal Jain

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. G.S. Kulka, Advocate
 for the petitioner.

 Mr. Manish Kumar Singla, Advocate
 for the respondent.

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 “Vishal Jain Vs. Tanu Jain”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Patiala to a Court of competent jurisdiction at Sirsa.

It is stated that the marriage of the petitioner was solemnized with the respondent on 12.10.2011. The parties do not have a child. After the marriage, the petitioner resided in the matrimonial home at Samana. Soon after the marriage, the respondent and his family members started harassing and humiliating the petitioner on account of dowry. On 14.03.2012, when the petitioner expressed her inability to meet their demand of dowry, she was thrown out of the matrimonial home. The petitioner went back to matrimonial home on the assurance of the respondent that they will treat her with dignity and would not harass and humiliate her. However, the situation did not change. The harassment and humiliation of the petitioner continued and once again in October, 2013, the

petitioner was thrown out from the matrimonial home. Since then she is residing with her parents at Sirsa.

The petitioner has filed a petition under Section 125 Cr.P.C. for maintenance, which is pending before the Ld. Chief Judicial Magistrate, Sirsa. An FIR No.7 dated 04.01.2018 under Section 323, 406, 498-A, 506 IPC, P.S. City Sirsa has also been registered against the respondent at Sirsa. Thereafter, the respondent has filed the petition under Section 13 of the Hindu Marriage Act, 1955 at Patiala.

It is stated that the petitioner has no independent source of income. She is wholly dependent on her parents. On the other hand, the respondent is a man of means. He is already facing two proceedings at Sirsa and if the petition under Section 13 of the Hindu Marriage Act, 1955 is transferred from Patiala to Sirsa, he would not suffer any hardship.

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

The petition under Section 13 of the Hindu Marriage Act, 1955 DMC No.140/2018 titled as "Vishal Jain Vs. Tanu Jain", filed by the respondent, which is pending in the Court of Ld. District Judge, Patiala is withdrawn from that Court and transferred to Sirsa. The District Judge, Sirsa may assign it to any competent Court.

05.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No