

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

107

TA No.577 of 2018
Date of decision : 13.11.2018

Mandeep Kaur

... Petitioner

Versus

Gagandeep Singh

.... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.S.S.Momi, Advocate
for the petitioner.

Mr.Rajesh Duhan, Advocate
for the respondent.

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 9 of the Hindu Marriage Act, 1955 titled as “**Gagandeep Singh Vs. Mandeep Kaur**” filed by the respondent (husband) which is pending before learned Addl.Civil Judge (Sr.Divn.) Guhla, to a court of competent jurisdiction at Samana, District Patiala.

The marriage of the petitioner and respondent was solemnized on 07.01.2012. They have two children from the marriage, a daughter, Gursirat Kaur aged about 4 years and a son, Abhijot Singh aged about 2 years.

It is the case of the petitioner that soon after the marriage, respondent and his family members started harassing her on account of dowry. On 28.6.2015,

the petitioner was beaten by the respondent. Thereafter, parents of the petitioner took her to her parental house and her son Abhijot Singh was born on 30.6.2016. The petitioner is presently residing with her parents at village Sadharanpur, Tehsil Patran, District Patiala.

The petitioner has filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which is pending before the Court of JMIC, Samana. A criminal case, FIR No.96 under Sections 323, 406, 498-A, IPC against the respondent was registered at Police Station PS Women, District Patiala. Thereafter, the respondent has filed the petition under Section 9 of the Hindu Marriage, 1955 Act at Guhla.

Learned counsel for the petitioner contends that both the minor children are studying at DAV Public School, Badsahpur, Patiala. The petitioner has no independent source of income. She is wholly dependent upon her parents. It is very difficult for her to attend the court proceedings at Guhla.

Learned counsel for the respondent, on the other hand, contends that the petitioner herself has filed a petition under the Hindu Adoptions and Maintenance Act, 1956 at Guhla. Hence, contention of learned counsel for the petitioner that it is difficult for the petitioner to attend the court proceedings at Guhla, is without basis.

Learned counsel for the petitioner has explained that the case was filed at Guhla as jurisdiction was with the said court.

Considering the aforesaid facts and circumstances, this petition is

allowed.

The petition under Section 9 of the Hindu Marriage Act, 1955 titled as “Gagandeep Singh Vs. Mandeep Kaur” filed by the respondent (husband) which is pending before learned Addl.Civil Judge (Sr.Divn.) Guhla is withdrawn from that court and transferred to Samana. The learned District Judge, Patiala may assign it to a competent court.

(Harinder Singh Sidhu)
Judge

13.11.2018
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No