

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 578 of 2018(O&M)
Date of decision:- 11.09.2018

Ravinder Kaur .. Petitioner
vs.
Krishan Kumar .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Karandeep Singh Deswal, Advocate
for the petitioner.

None for the respondent.

Harinder Singh Sidhu, J.

The petitioner-wife has filed the present transfer application under Section 24 of the Code of Civil Procedure for transfer of petition under Section 9 of the Hindu Marriage Act bearing No. HMA 70/2018 titled as 'Krishan Kumar vs. Ravinder Kaur', filed by the respondent, which is pending in the Court of learned District Judge (Family Court), Barnala to the Court of competent jurisdiction at Malout.

It is the case of the petitioner that from the very beginning of the marriage, the respondent and his family members have been harassing her. No child was born to the parties. After being turned out from the matrimonial home, the petitioner is living with her parents at village Malout, District Sri Muktsar Sahib. She has no regular source of income and is totally dependent upon her parents from where she is getting some financial assistance. It is difficult for the petitioner to maintain herself. The respondent has filed a petition under Section 9 of the Hindu Marriage Act, 1955 at Barnala, which is at a distance of about 120 KMs. from the place of the residence of the petitioner. It is very difficult for the petitioner to attend the Court proceedings at Barnala. Moreover, there is no one in the family to accompany her to Barnala. The petitioner has also filed three cases against

the respondent which are pending at Malout. There are (i) a case under Protection of Women from Domestic Violence Act, 2005, (ii) a criminal case u/s 498-A IPC, and (iii) a petition under Section 125 Cr.P.C.

Respondent has been served. However, no one appeared for him on the last date i.e. 13.08.2018. Today also the situation is the same.

Considering the facts and circumstances of the case, this petition is allowed. The petition under Section 9 of the Hindu Marriage Act bearing No. HMA 70/2018 titled as 'Krishan Kumar vs. Ravinder Kaur', filed by the respondent, which is pending in the Court of learned District Judge (Family Court), Barnala is withdrawn from the said Court and transferred to Malout. The District Judge, Sri Muktsar Sahib may assign it to any competent Court.

11.09.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No