

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

TA No.591 of 2018

Date of decision: 09.10.2018

Swati Malik

.. Petitioner

vs.

Ankit Joon

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Naveen Kumar, Advocate
for the petitioner

Mr. Deepankur Sharma, Advocate
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 13 (1)(ia) of the Hindu Marriage Act, 1955 titled as “Ankit Joon Vs. Swati Malik”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Jhajjar to a Court of competent jurisdiction at Rohtak.

The marriage of the petitioner was solemnized with the respondent on 06.03.2016. After the marriage, she was harassed and humiliated by the respondent and his family members on account of dowry, though the parents of the petitioner had spent a huge amount in celebrating the marriage. The parents of the petitioner tried to meet the demands of the respondent after marriage but could not satisfy their greed.

The petitioner lodged FIR No.0005 dated 25.01.2018, under Sections 107, 306, 377, 406, 498-A, 511 IPC at P.S. Women Police Station Rohtak against the respondent.

Thereafter, the respondent has filed the petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955 at Jhajjar.

It is stated that though earlier the petitioner was working as College Lecturer, presently she is unemployed and has no source of income. Her father is old and is suffering from old age related ailments including heart problems. It would be difficult for her to attend the Court proceedings at Jhajjar. She is also apprehensive about her safety if she is to attend the Court proceedings at Jhajjar.

The respondent is a Major presently posted in Jammu and Kashmir. He belongs to Bahadurgarh and his parents reside there. Rohtak is closer to Bahadurgarh than Jhajjar, so the respondent will not be adversely affected by transfer of this case from Jhajjar to Rohtak.

Learned counsel for the respondent on the other hand contended that the respondent is apprehensive about his safety if he is to attend the Court proceedings at Rohtak. The respondent had already submitted a complaint to the SSP, Rohtak stating that when his father had gone to the office of DSP at Rohtak for a meeting in connection with an FIR, one Kanwar Singh had threatened his father.

Be that as it may, on an overall consideration of the facts and circumstances, this petition is allowed.

The petition under Section 13 (1)(ia) of the Hindu Marriage Act, 1955 titled as “Ankit Joon Vs. Swati Malik”, filed by the respondent-husband, which is pending in the Court of Ld. District Judge, Jhajjar is withdrawn from that Court and transferred to Rohtak. The District Judge, Rohtak may assign it to any competent Court.

09.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No