

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 614 of 2018(O&M)

Date of decision:27.09.2018

Balveer Kaur

.. Petitioner

vs.

Jagjiwan Singh

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Amandeep Singh Rai, Advocate
for the petitioner.

None for the respondent.

Harinder Singh Sidhu, J.

The petitioner-wife has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of case bearing No. HMA 47 of 2018, titled as 'Jagjiwan Singh vs. Balveer Kaur', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Batala to a Court of competent jurisdiction at Faridkot.

The marriage between the petitioner and the respondent was solemnized on 02.02.2017.

It is stated that it was the second marriage of both the petitioner and the respondent. Soon after the marriage, the respondent and his family members started harassing the petitioner on account of dowry. The petitioner was repeatedly beaten up and finally thrown out from the matrimonial home. The respondent got married again with one Gurpreet Kaur without getting divorce from the petitioner. The petitioner has no independent source of income. The petitioner has filed two petitions, one under Section 23 of the Protection of Women from Domestic Violence Act, 2005

and another under Section 125 Cr.P.C., which are pending in the Family Court, Faridkot. With a view to harass the petitioner, the respondent has filed the petition under Section 9 of the Hindu Marriage Act, 1955 at Batala, which is at a distance of about 170 KM from the residence of the petitioner. It is difficult for the petitioner to attend the proceedings at Batala.

As per office report, notice issued to the respondent has been received back with the report '*Brother met at the time of service. Refused to accept notice. However, affixation done*'. Despite that no one appeared on behalf of the respondent on 07.09.2018 and 20.09.2018 when the case was listed. Even today the position is the same.

In the facts and circumstances of the case, the transfer application is allowed. The petition (bearing No. HMA 47 of 2018) under Section 9 of the Hindu Marriage Act, titled as 'Jagjiwan Singh vs. Balveer Kaur', filed by the respondent, which is pending in the Court of learned Additional Civil Judge (Senior Division), Batala is withdrawn from the said Court and transferred to Faridkot. The District Judge Faridkot may assign it to a Court of competent jurisdiction.

27.09.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No