

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 616 of 2018(O&M)

Date of decision:08.10.2018

Madhu Bala

.. Petitioner

vs.

Jagdeep Singh

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Rajeev Dev Sharma, 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 petition under Section 13 of the Hindu Marriage Act, 1955, titled as 'Jagdeep Singh vs. Madhu Bala', filed by the respondent-husband, which is pending in the Court of learned Additional District Judge, Hoshiarpur to a Court of competent jurisdiction at Pathankot.

The marriage between the petitioner and the respondent was solemnized on 29.09.2014. A daughter named Shivika was born to them, who is presently aged about 2-½ years old.

It is the case of the petitioner that she was treated with cruelty by the respondent and his family members on account of dowry and ultimately she was thrown out of her matrimonial home. She alongwith her daughter is living with her parents at Pathankot.

The petitioner has filed a petition under Section 125 Cr.P.C., which is pending at Pathankot. The respondent, thereafter, filed the petition under Section 13 of the Hindu Marriage Act, 1955 at Hoshiarpur.

It is stated that the petitioner has no source of income. She is wholly dependent upon her parents. Her father usually remains ill. She has a younger sister. There is no male member, who can accompany her to attend the Court proceedings at Hoshiarpur, which is at a distance of 110 KM from Pathankot.

Case has been called twice since morning, but no one has put in appearance on behalf of the respondent.

Considering the facts and circumstances of the case, the transfer application is allowed. The petition under Section 13 of the Hindu Marriage Act, titled as 'Jagdeep Singh vs. Madhu Bala', filed by the respondent, which is pending in the Court of learned Additional District Judge, Hoshiarpur is withdrawn from the said Court and transferred to Pathankot. The District Judge Pathankot may assign it to a Court of competent jurisdiction.

08.10.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes
Yes/No