

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 62 of 2018 (O&M)
Date of decision : 19.12.2018

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Krishna

.....Applicant

vs.

Rajpal

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Aditya Yadav, Advocate for the applicant.

None for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Krishna, aged about 50 years, estranged wife of Rajpal, presently residing with her parents at village Khakana, District Jhajjar, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Rajpal vs. Krishna' pending in the Court of Civil Judge (Senior Division), Nuh, to a Court of competent jurisdiction at Jhajjar.

As per averments in the application, applicant was married with respondent about 28 years back. Thereafter, they started residing

together. Applicant gave birth to 4 children from the loins of the respondent. Three of the children are daughters, who are married, whereas son is aged about 17 years. The applicant was harassed by the respondent on account of demand of dowry. Younger sister of the applicant namely, Kashmiri was married with younger brother of respondent, namely Prabhu. However, Kashmiri was murdered by her husband Prabhu. FIR under Section 302 IPC was registered against Prabhu. He was tried, though acquitted, but appeal against the judgment of acquittal is pending before this Court. Respondent and his family members started threatening the applicant and pressurizing her and her parental family, to settle the dispute qua Prabhu. They gave beatings to the applicant and on 23.11.2013, she was turned out of the matrimonial home and since then she is living at her parental home. Applicant does not have any source of income. She is unable to maintain herself. An application under Section 125 Cr.P.C. filed by the applicant has since been allowed. The petition under Section 9 of the Hindu Marriage Act has been filed as a counter blast, to avoid payment of maintenance. She apprehends danger to her life, if she has to go to Nuh to attend the Court proceedings. Therefore the application be accepted.

Notice of the application was given to the respondent, who as per the office report, has been served through his counsel in the trial Court, but he has not appeared to offer contest.

I have heard learned counsel for the applicant, besides going through the record.

Keeping in view the contentions in the application and

submissions made by learned counsel for the applicant, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Civil Judge (Senior Division), Nuh, is withdrawn from that Court and transferred to the Court of District Judge, Jhajjar, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties through counsel are directed to appear there on 24.1.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

19.12.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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