

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

116

TA No.624 of 2018 (O&M)
Date of decision : 16.10.2018

Meenu

... Petitioner

Versus

Sunil

.... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Sushil Kumar Verma, Advocate
for the petitioner.
None for the respondent.

Harinder Singh Sidhu, J.

Petitioner (wife) has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 13 (1) of the Hindu Marriage Act, 1955 titled as “Sunil Vs. Smt. Meenu” (HMA No.142 of 2017) filed by the respondent (husband) which is pending before learned District Judge (Family Court), Bhiwani, to a court of competent jurisdiction at Sirsa.

The marriage of the petitioner and respondent was solemnized on 4.11.2006. Two male children namely Nipun aged about 8 years and Hardik aged about 4 years were born to them. Both the children are residing with the petitioner.

It is the case of the petitioner that the respondent (husband) used to maltreat the petitioner on account of dowry. On 28.3.2014, she was beaten and thrown out of her matrimonial home along with children. Since then, the petitioner along with her children is residing with her parents at Sirsa.

The petitioner has filed a petition under Section 125 Cr.P.C. which is pending before the learned JMIC, Sirsa. She has also filed a complaint under the provisions of the Protection of Women from Domestic Violence Act, 2005 which is also pending before the learned JMIC, Sirsa. The respondent has filed a petition No.1GW/2005 for the custody of children under the Hindu

Minority and Guardianship Act, which is also pending before the Court of ACJ, SD, Sirsa. Thereafter, the respondent has filed the petition under Section 13 (1) of the Hindu Marriage Act at Bhiwani.

It is stated that the petitioner has no independent source of income. Both her minor children are studying at Sirsa. There is no other family member to look after the minor children as the parents of the petitioner are old. It is very difficult for her to attend the court proceedings at Bhiwani which is at a distance of 160 kms from her place of residence.

It is further stated that the petitioner apprehends threat to her safety, if she attends the court proceedings at Bhiwani. Moreover, as the respondent has already been attending the court at Sirsa in connection with various cases instituted by the petitioner, no prejudice would be caused to him if this case is transferred from Bhiwani to Sirsa.

The respondent has been served. However, no one has put in appearance on his behalf. On the previous date also, no one had appeared for the respondent.

Considering the aforesaid facts and circumstance, this petition is allowed.

The petition under Section 13(1) of the Hindu Marriage Act, 1955 titled as “Sunil Vs. Smt. Meenu” (HMA No.142 of 2017) filed by the respondent (husband) which is pending before learned District Judge (Family Court), Bhiwani is withdrawn from that court and transferred to Sirsa. The learned District Judge, Sirsa may assign it to a competent court.

(Harinder Singh Sidhu)
Judge

16.10.2018

sd

Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No