

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

TA No.639 of 2018 (O&M)
Date of decision: 04.09.2018

Pinki .. Petitioner

vs.

Sanjiv Kumar @ Sanjay .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Sanjay Ghalawat, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

The petitioner is the wife and the respondent her husband. This petition has been filed under Section 24 of the Code of Civil Procedure for transferring the case under Section 13 of the Hindu Marriage Act, 1955 titled as "Sanjiv Kumar Vs. Pinki" pending in the Court of Ld. District Judge, SAS Nagar, Mohali to a Court of competent jurisdiction at Kaithal.

Learned counsel for the petitioner states that the marriage of the petitioner was solemnized with respondent on 08.05.2009. One female child, namely, Palak presently aged about 5 years and one male child namely Harmeet aged 3 ½ years were born to the parties. It is the case of the petitioner that the respondent and his family maltreated the petitioner. In January, 2012, the father of the petitioner convened a panchayat in which the respondent assured that in future he will not harass and humiliate the petitioner. Again in June, 2015 a panchayat was convened and the respondent gave assurance that he would not harass the petitioner. But despite the assurances, the behaviour of the respondent did not change. The petitioner was given beating and on 22.06.2017, she was thrown out from matrimonial home. Since then, the petitioner is residing with her parents. An FIR No.0456 dated 21.12.2017 under Section 323, 406, 498A, 504 IPC has been lodged against the respondent and his family members, trial of which is going on in the Court at Kaithal. A petition under Section 25 of the Guardian and Wards Act, 1890 for the custody of female child, namely, Palak and male

child namely Harmeet, is also pending in the Family Court, Kaithal. Thereafter, respondent has filed the petition under Section 13 of the Hindu Marriage Act at SAS Nagar, Mohali.

Learned counsel for the petitioner states that the distance from Mohali to Kaithal where the petitioner is residing is about 130 Kms. The parents of the petitioner are old and sick. She has one brother, who is engaged in labour. The petitioner is unemployed and it is difficult for her to attend the Court at Mohali.

The respondent has been served, however no one has put in appearance on his behalf.

In view of the aforesaid facts and circumstances, this petition is allowed. The case under Section 13 of the Hindu Marriage Act titled as "Sanjiv Kumar Vs. Pinki" pending in the Court of Ld. District Judge, SAS Nagar, Mohali is withdrawn from that Court and transferred to Kaithal. The District Judge, Kaithal may assign it to a competent Court at Kaithal.

Disposed of.

04.09.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No