

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

TA No.72 of 2018
Date of decision: 12.09.2018

Shivani Bhatia .. Petitioner

vs.

Yatin Bhatia .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Rakesh Gupta, Advocate
for the petitioner.

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Harinder Singh Sidhu, J.

The petitioner-wife has filed this petition under Section 24 of the Code of Civil Procedure for transferring the petition under Section 13(1) (ia) (ib) of the Hindu Marriage Act, 1955 (HMA Case No. Hma/909/2017) titled as “Yatin Bhatia Vs. Shivani”, filed by the respondent (her husband), pending in the Court of District Judge (Family Court), Karnal to a Court of competent jurisdiction at Ambala.

It is stated that the marriage of the petitioner was solemnized with the respondent on 10.02.2007. They do not have a child. The petitioner has been constantly harassed by the respondent and his family members. Finally, she was thrown out from the matrimonial home and she is living with her parents at Ambala. The respondent has filed a petition under Section 13 (1) (ia) (ib) of the Hindu Marriage Act, 1955 at Karnal, which is at a distance of 90 kms. from the place of residence of the petitioner. There is no one who can accompany the petitioner to attend the court proceedings at Karnal. The father of the petitioner is suffering from Idiopathic Parkinson disease and is completely bed-ridden. The petitioner also apprehends danger to her life from the respondent if she is to go to Karnal.

When the case was listed on 24.05.2018, the respondent appeared in person and sought time to file reply. Thereafter, the case was listed on 05.09.2018, but no one appeared on behalf of the respondent. Today, also no one has appeared for the respondent.

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

The petition under Section 13(1)(ia) (ib) of the Hindu Marriage Act, 1955 (HMA Case No. Hma/909/2017) titled as “Yatin Bhatia Vs. Shivani”, filed by the respondent, pending in the Court of District Judge (Family Court), Karnal is withdrawn from that Court and transferred to Ambala. The District Judge, Ambala may assign it to a competent Court at Ambala.

12.09.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No