

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 90 of 2018(O&M)
Date of decision: 24.07.2018

Pratibha Garg @ Priya

.. Petitioner

vs.

Honey Bansal

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

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

Mr. Ishan Gupta, Advocate
for the respondent.

Harinder Singh Sidhu, J.

The petitioner, who is the wife of the respondent, has filed this transfer application under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 titled 'Honey Bansal vs. Pratibha Garg @ Priya', filed by the respondent, which is presently pending in the Court of learned Additional District Judge, Sangrur to a court of competent jurisdiction at Patiala.

It is stated that the marriage of the petitioner with the respondent was solemnized on 22.04.2016. Soon thereafter, the petitioner was subjected to harassment and torture at the hands of the respondent and his family members. She was thrown out from her matrimonial home within three months of the marriage and she has been residing with her parents at Nabha for the last more than two years.

The respondent has filed a petition under Section 13 of the Hindu Marriage Act, 1955 titled 'Honey Bansal vs. Pratibha Garg @ Priya', which is presently pending in the Court of learned Additional District Judge, Sangrur.

It is stated that though the distance between Nabha and Patiala is approximately the same as that between Nabha and Sangrur. However, there is no direct bus service from Nabha to Sangrur. In order to attend the Court proceedings at Sangrur, the petitioner would have to take one family member for her escort whereas Nabha is directly connected with Patiala and the petitioner would not face such difficulty in attending the Court proceedings at Patiala.

Learned counsel for the respondent, on the other hand, states that as the distance between Nabha and Sangrur and Nabha and Patiala is approximately the same, there is no justification for transfer of the petition from Sangrur to Patiala. He states that a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights filed by the petitioner is pending at Nabha.

Notwithstanding the contentions of the learned counsel for the respondent, considering the facts and circumstances of the case, the petition under Section 13 of the Hindu Marriage Act, 1955 titled 'Honey Bansal vs. Pratibha Garg @ Priya', filed by the respondent, which is presently pending in the Court of learned Additional District Judge, Sangrur is withdrawn from the said Court and transferred to learned District Judge, Patiala.

Accordingly, the present petition is allowed.

24.07.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No