

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 455 of 2019 (O&M)

Date of decision : 10.12.2019

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Rakhi @ Richa

.....Applicant

vs.

Sukhwinder Singh

.....Respondent

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

Present: Mr. Sansar Kundu, Advocate for the applicant

None for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Rakhi @ Richa, aged about 24 years, estranged wife of Sukhwinder Singh, presently residing with her mother at village Hat, Tehsil Safidon, District Jind, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 13 (a) (i) of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Sukhwinder Singh vs. Rakhi @ Richa' pending in the Court of District Judge (Family Court), Karnal, to a Court of competent jurisdiction at Jind.

As per version of the applicant, marriage solemnized between the spouses on 22.1.2016 at village Hat, Tehsil Safidon,

District Jind, ran into rough weather. However, the couple was not blessed with any child. The applicant was harassed and maltreated in connection with demand of more dowry, by the respondent and his family members. The applicant could not get such demands fulfilled from her parents. Ultimately, she was turned out of the matrimonial home on 11.10.2016. She had no other place to go, except the house of her mother at village Hat, Tehsil Safidon, District Jind. She has filed a petition under Section 125 Cr.P.C. against the respondent and FIR No. 18 dated 22.2.2017 for offences under Sections 323, 406, 498-A, 506 read with Section 34 IPC has also been registered against the respondent and his family members, which is pending in the Court of JMJC, Jind. The respondent has filed a petition under Section 13 (a)(i) of the Hindu Marriage Act, against the applicant in the Court at Karnal, to harass her. The applicant being a young woman, having no source of income, with no male member in her parental family to accompany her from Jind to Karnal, it is difficult for the applicant to travel from her parental place to Karnal to attend the dates of hearing in the Court there, covering a distance of about 85 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who had appeared through counsel on earlier dates, but today none has appeared on his behalf to offer a 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 District Judge (Family Court), Karnal, is withdrawn from that Court and transferred to the Family Court at Jind, for disposal in accordance with law. Parties through counsel are directed to appear there on 10.1.2020.

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

10.12.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No