

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 857 of 2017 (O&M)

Date of decision : 13.2.2019

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Anjali

.....Applicant

vs.

Sahil Johar

.....Respondent

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

Present: Mr. Sushil Jain, Advocate for the applicant

Mr. Rakesh Verma, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Anjali, aged about 27 years, wife of Sahil Johar, presently residing with her parents at Sonapat, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 12 (1) (C) of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Sahil Johar vs. Anjali' pending in the Court of District Judge, Ludhiana, to the Court of District Judge, Sonapat.

According to the applicant, the marriage solemnized between the parties on 15.2.2017 at Sonapat, did not work and she was treated with cruelty by the respondent and his family members, in

connection with demand of dowry. She was turned out of the matrimonial home after giving beatings and she had no other place to go except her parental house, where she is putting up since 2.5.2017. The applicant has got registered an FIR for offence under Sections 498-A, 406 etc. IPC, at Women Police Station, Sonapat, against the respondent. As a pressure tactic, the respondent has filed a petition under Section 12(1) (C) of the Hindu Marriage Act and in alternative under Section 13 of the Hindu Marriage Act, in the Court of District Judge, Ludhiana. Being a young woman, having financial constraints, it is difficult for her to travel from Sonapat to Ludhiana, covering a distance of 350 kms on one side, to attend the dates of hearing in Court at Ludhiana. Therefore the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel.

The application in question is being opposed vehemently, stating that the respondent and his family members were beaten up by the family members and relatives of the applicant – wife, by coming to Ludhiana and respondent has filed a criminal complaint against the applicant and her family members and relatives, who had assaulted the respondent and his family members, in the Court of JMIC at Ludhiana, where they have been summoned as accused and respondent apprehends danger to his life, if he is made to go to Sonapat to attend the dates of hearing in Court there, therefore, the application be dismissed.

I have heard learned counsel for the parties, besides going through the record.

The applicant is a young woman. Distance between Sonapat and Ludhiana is stated to be about 250 kms on one side. The applicant is stated to be not having any source of income and is dependent upon her parents. Under the circumstances, it would be quite difficult for her to go from Sonapat to Ludhiana, frequently to attend the dates of hearing in Court there. As regards, the concern of physical harm being caused to the respondent and persons accompanying him, if the respondent is to go to Sonapat along with his family members or relatives to attend the dates of hearing in Court at Sonapat, that can be addressed by issuing necessary direction to Superintendent of Police, Sonapat.

As regards, poor financial condition of the respondent, the applicant is not shown to be in any better condition. Therefore, that factor cannot be given much weightage.

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, Ludhiana, is withdrawn from that Court and transferred to the Family Court at Sonapat, for disposal in accordance with law. Parties through counsel are directed to appear there on 13.3.2019.

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

A copy of this order be sent to Superintendent of Police, Sonapat also, with a direction to ensure that no physical harm is

caused to the respondent or any of his family members or relatives accompanying him when they go to Sonapat in connection with attending the dates of hearing there.

13.2.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No