

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

TA No.738 of 2021 (O&M)

DATE OF DECISION: 23.11.2021

Smt. Parul

.....Petitioner

versus

Anuj and Another

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Teevar Sharma, Advocate for the petitioner

Mr. Vikram Singh, Advocate for respondent No.1

Mr. Randeep Singh, Advocate for respondent No.2

..

ALKA SARIN, J. (Oral):

Heard in physical mode.

The present petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent No.1-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act') being HMA/1475/2020 titled as "*Anuj vs. Parul and another*" for dissolution of marriage by way of decree of divorce pending in the Court of Additional Principal Judge (Family Court), Karnal to the Court of Principal District Judge, Family Court, Hisar.

Learned counsel for the petitioner has contended that the marriage of the parties was solemnized on 21.02.2011 and two sons were

born out of the wedlock. It is further contended that after the marriage the respondent No.1 and his family members started harassing the petitioner for bringing less dowry and demanded Rs.10 lakhs or a luxury car. It is pleaded in the petition that in order to fulfil the dowry demands the petitioner, after arranging Rs.8 lakhs from her parents and raising loan of Rs.5 lakhs, purchased one Hyundai Creta car in the month of October/November, 2018 for respondent No.1. On 28.02.2020, respondent No.1 and his family members not only gave beatings to the petitioner and threw her out of the matrimonial home but also forcibly retained the custody of the minor children. Thereafter, respondent No.1 filed the aforesaid divorce petition under Section 13 of the HM Act which is now being sought to be transferred from Karnal to Hisar by way of the present petition.

Learned counsel for the petitioner would contend that the petitioner has filed a petition under the various provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the DV Act') as also an application under the Guardian and Wards Act, 1890 read with Section 6 of the Hindu Minority and Guardianship Act, 1956 for the custody of the minor children which are pending at Hisar. It has further been contended that the petitioner is now working in the Union Bank of India in order to earn her livelihood and is posted at Kaithal. It has also been contended that the distance from Hisar to Karnal is about 182 kilometres one way and being a working lady it is very difficult for the petitioner to visit Karnal on each and every date of the divorce proceedings from Hisar and contest the petition properly and effectively.

Notice of motion in this case was issued on 20.08.2021. Learned counsel for respondent No.1 and for respondent No.2 have put in appearance. However, they are not able to controvert the submissions made on behalf of the petitioner.

I have heard learned counsel for the parties.

In the present case, the petitioner has levelled serious allegations of demand of dowry and forcible custody of the children by respondent No.1. The petitioner is stated to have been thrown out of the matrimonial home and thereafter the respondent-husband filed a petition under Section 13 of the HM Act for dissolution of marriage by way of decree of divorce at Karnal. The petitioner in order to contest the divorce petition would have to travel a distance of about 182 kilometres one way. It has also come on record that a petition under the various provisions of the DV Act as well as an application under the Guardian and Wards Act, 1890 read with Section 6 of the Hindu Minority and Guardianship Act, 1956 for the custody of the minor children have been filed by the petitioner and are pending at Hisar

In view of the above, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13 of the HM Act being HMA/1475/2020 titled as “*Anuj vs. Parul and another*” for dissolution of marriage by way of decree of divorce pending in the Court of Additional Principal Judge (Family Court), Karnal to the Court of competent jurisdiction at Hisar. Ordered accordingly.

The records of the case shall be sent by the concerned Court at Karnal to the Court of the learned District Judge, Hisar and the parties shall appear there on 07.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

(ALKA SARIN)
JUDGE

23.11.2021
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO