

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

204

TA-1049-2021 (O&M)
Date of decision: 16.09.2022

Priya Arora

...Petitioner

Versus

Ajay Dhingra

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. K. Rattan, Advocate
for the petitioner.

Ms. Kulwinder Pal Kaur, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

While issuing notice of motion on 28.10.2021, the following
order was passed:

“Petitioner is the wife of the respondent. She has filed the present petition under Section 24 of the Code of Civil Procedure seeking transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent, which is pending before the Court of Additional Principal Judge, Family Court, Ludhiana to the Court of competent jurisdiction at Kharar, District SAS Nagar Mohali.

The marriage of the petitioner with the respondent was solemnized on 12.12.2018. It is case the petitioner that ever since the marriage of the petitioner, she was repeatedly harassed by the respondent and his family members on account of demand of dowry when the family members of the petitioners were not able to meet the demand of dowry of the petitioners, she was turned out of the matrimonial home on 06.02.2019. Since then

the petitioner is residing with her parents at Kharar. All the efforts by the petitioner and her family members to persuade the respondent to take the petitioner back to the matrimonial home had failed.

The petitioner has filed a complaint before the Senior Superintendent of Police Mohali, for registration of a case under Section 498-A, 406, 323, 506 IPC against the respondent. She has also filed a petition under Section 125 Cr.P.C. seeking maintenance which is pending in the Court of Principal Judge, Family Court, Kharar, District SAS Nagar Mohali. She has also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Court of Sub-Division Judicial Magistrate, Kharar, District SAS Nagar Mohali.

It is stated that in order to harass the petitioner, the respondent-husband has filed the petition under Section 13 of Hindu Marriage Act, 1955, which is pending before the Court of Principal Judge, Family Court, Ludhiana. It is difficult for the petitioner to travel from Kharar to Ludhiana to attend the Court proceedings as the distance is more than 80 kms. The petitioner has no independent source of income, she is fully dependent on her parents.

Notice of motion for 02.02.2022.

Till the next date hearing proceedings in the case under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent, which is pending before the Court of Principal Judge, Family Court, Ludhiana, shall remain stayed.”

At the very outset, learned counsel for the respondent-husband has submitted that the respondent has no objection if the aforesaid petition is transferred to the competent Court of jurisdiction at Kharar, District SAS

Nagar.

In view of the above, the present petition is allowed, with the following directions:-

- (i) *The petition filed under Section 13 of the Hindu Marriage Act, pending before the Family Court, Ludhiana will be transferred to the competent Court of jurisdiction at Kharar, District SAS Nagar.*
- (ii) *The District Judge, SAS Nagar will assign the said petition to the competent Court of jurisdiction.*
- (iii) *The Family Court at Ludhiana is directed to transfer all the record pertaining to the aforesaid case to District Judge, SAS Nagar.*
- (iv) *The parties are directed to appear before the trial Court at Kharar, District SAS Nagar within a period of 01 month from today.*
- (v) *The Courts concerned, where the cases are pending between the parties, will accommodate them with one date in a calendar month.*

16.09.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No