Rajni @ Rajjo Vs Shant Verma

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 17, 2013

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€" Section 125
Hindu Marriage Act, 1955 â€" Section 13
Penal Code, 1860 (IPC) â€" Section 406, 498A

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Advocate: Yogesh Goel, for the Appellant;

Final Decision: Allowed

Judgement

Jaswant Singh, J.
Petitioner wife is seeking transfer of divorce proceedings initiated by respondent husband from the Court of learned

Additional Sessions Judge, Fazilka to a Court of competent jurisdiction at Ludhiana. It is averred in the petition that marriage between the parties

was solemnised on 30.11.2008 at Ludhiana. Out of their wedlock one girl child was born on 24.6.2011. It is alleged that on account of dowry she

was ill treated and thrown out of her matrimonial home alongwith the girl child on 5.10.2011 and since then she is residing with her parents at

Ludhiana.

2. It is averred that now respondent husband has filed a petition u/s 13 of the Hindu Marriage Act, 1955 in the Court of Additional Distt. Judge,

Fazilka. Transfer of these proceedings from Fazilka to Ludhiana has been sought on the grounds that (i) petitioner is facing financial hardship being

dependent on her parents; (ii) it is difficult for her to travel a distance of 200 kilometers alongwith minor child; and (ii) respondent husband is

already facing two proceedings initiated by her at Ludhiana i.e. one for grant of maintenance u/s 125 Cr.P.C. and the other one being a complaint

under Sections 406 /498-A IPC.

3. Despite service none has put in appearance on behalf of the respondent.

4. After hearing learned counsel for the petitioner and taking into account the fact that two cases are already pending at Ludhiana, I find that the

grounds set out in the petition are sufficient to allow the petition as it is well settled that in matrimonial proceedings initiated by the husband against

wife, convenience of wife must be looked at. Reliance in this regard can be placed upon Sumita Singh Vs. Kumar Sanjay and Another, . In view of

the above, the present petition is allowed, the petition u/s 13 of the Hindu Marriage Act, 1955 titled Shantu @ Shant Verma v Rajjo @ Rajni

pending in the Court of Additional Distt. Judge, Fazilka is withdrawn and transferred to District Courts, Ludhiana for disposal in accordance with

law from the stage of withdrawal.