

Date of Decision: 17.5.2013 Vs. Chander Sheikhar Sharma

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Court : Punjab and Haryana

Decided On : May-17-2013

Appellant : Date of Decision: 17.5.2013

Respondent : Chander Sheikhar Sharma

Judgement :

T.A.No.143 of 2013 (O&M) #1# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH T.A.No.143 of 2013 (O&M) Date of Decision:

17. 5.2013 Sarika SharmaPetitioner(s) Versus Chander Sheikhar SharmaRespondent(s) CORAM: HON'BLE Mr.JUSTICE JASWANT SINGH Present: Ms.Amandeep Soni, Advocate for the petitioner.

None for the respondent.

JASWANT SINGH, J (ORAL) Petitioner wife has filed the present transfer application under Section 24 CPC for the transfer of petition filed by respondent husband under Section 13 of the Hindu Marriage Act,1955 (for short the Act.) , titled Chander Shekhar Sharma versus Ms.Sarika Sharma from the Court of learned District Judge, Family Court, Ambala to a court of competent jurisdiction at Jalandhar.

It is stated that the marriage between the parties was solemnized on 11.12.2009 at Jalandhar and out of their wedlock, a girl child was born on 23.11.2010.

Due to dowry demand, it is alleged that the petitioner along with minor child was turned out of the matrimonial home at Ambala.

Petitioner along with minor child is stated to be residing separately at her parental home at Jalandhar.

It is stated that the petitioner has filed two proceedings namely (i) petition under Section 125 Cr.P.C and (ii) petition under Section 128 Cr.P.C, which are pending at Jalandhar.

It is further stated that the respondent husband filed a petition under Section 13 of the Act which, as noticed above, is pending in the Court of learned District Judge, Family Court, Ambala.

T.A.No.143 of 2013 (O&M) #2# It is averred that the petitioner wife is a house wife, has no source of income and she along with minor child is fully dependent upon her parents while the respondent is not paying even a single penny for the upkeep and maintenance of petitioner wife as well as the minor child and in these circumstances, it is difficult for the petitioner to attend the proceedings initiated by the respondent husband at Ambala , which is about 150 kms away from Jalandhar.

After hearing learned counsel for the parties, 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 v.*

Kumar Sanjay and another, AIR 200.SC 396.

In view of the above, the present petition is allowed, the petition under Section 13 of the Act titled *Chander Shekhar Sharma versus Ms.Sarika Sharma* from the Court of learned District Judge, Family Court, Ambala is ordered to be withdrawn and transferred to the District Courts, Jalandhar for disposal in accordance with law from the stage of withdrawal.

May 17, 2013 (JASWANT SINGH) manot JUDGE

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