

TA-415-2013

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

TA-415-2013

Date of decision: 26.11.2015

Satwinder Kaur

...Petitioner

Versus

Sukhminder Singh Sondhi

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.HS Dhandi, Advocate for the petitioner

Mr.Kuldip Singh Chaudhary, Advocate for the respondent

SNEH PRASHAR, J.

The present under under Section 24 of the Code of Civil Procedure has been filed by the petitioner-wife seeking transfer of petition under Section 13 of the Hindu Marriage Act (for short 'the Act') filed by respondent-husband from the court of learned Additional District Judge, Chandigarh to the court of competent jurisdiction at Patiala.

The submissions made by learned counsel for both the parties have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 3.11.2002 as per Sikh Rites and ceremonies. A male child born out of the wedlock is in her care and

custody. After some time of the marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately was thrown out of the matrimonial home. Petitioner is a Staff Nurse and is presently posted at Patiala. Learned counsel sought transfer of the case to Patiala.

Learned counsel for the respondent opposed the prayer of the petitioner on the ground that she had left the conjugal company of the respondent of her own volition and enjoys good health for travelling from one place to another.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Patiala. The respondent is also stated to be residing at Patiala but has intentionally filed the petition at Chandigarh. The petitioner has a small school going child, so it will indeed be difficult for her to attend the hearings before the Court at Chandigarh. It has been held in **Sumita Singh vs. Kumar Sanjay and another AIR 2002 (SC)** and **Neelam Kanwar vs. Devinder Singh Kanwar, 2000(8) SCC 184** that convenience of the wife has to be taken into consideration in such like matters.

Accordingly, considering the facts discussed above, the petition filed by the respondent-husband under Section 13 of the Act pending in the Court of learned Additional District Judge, Chandigarh is withdrawn and is transferred to the Court of

competent jurisdiction at Patiala. The record of the case be sent by the trial Court to the District Judge, Patiala, who will either keep the petition himself/ herself or will entrust the same to any other Court of competent jurisdiction at Patiala.

The parties are directed to appear before the District Judge, Patiala on 12.01.2016.

26.11.2015
gsv

(SNEH PRASHAR)
JUDGE