

TA-503-2013

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

TA-503-2013

Date of decision: 17.9.2015

Jasvir Kaur

...Petitioner

Versus

Amrik Singh

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.JK Singla, Advocate for the petitioner

Mr.Harmanjit Singh, Advocate for the respondent

SNEH PRASHAR, J.

This is a petition by petitioner-wife under Section 24 of the Code of Civil Procedure seeking transfer of petition under Section 9 of the Hindu Marriage Act (for short 'the Act') titled as "Amrik Singh vs. Jasvir Kaur", filed by respondent-husband, from the court of learned Civil Judge (Sr.Divn.), Bathinda to the court of competent jurisdiction at Mansa.

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

It is submitted by learned counsel for the petitioner that the marriage between the parties was solemnized on 18.2.2009 at village Barnala, District Mansa and out of the wedlock a male child

was born. She was harassed and beaten up by the respondent-husband and his family members and ultimately in the year 2012, she was ousted from the matrimonial home. She filed a petition claiming maintenance from the respondent, which was allowed and a revision filed by the respondent against the order is pending at Mansa. The minor son is also being taken care of by her and it will be very inconvenient for her to travel to Bathinda alongwith the minor son to defend the petition filed by the respondent.

It is settled principle of law that convenience of the wife is to be seen in the matters filed by the husband against the wife as held by the Hon'ble Supreme Court in the cases of **Sumita Singh vs. Kumar Sanjay and another, AIR 2002 SC 396, Neelam Kanwar vs Devinder Singh Kanwar, 2001(1) M.L.J. 509 (SC), and Mangla Patil Kale vs. Sanjeev Kumar (2003) 10 SCC 280.**

In the case in hand, due to marital discord, the petitioner is stated to be residing with her parents at village Barnala, District Mansa. She is having no source of income and is saddled with the responsibility of raising her son. It would indeed, be very difficult for the petitioner to travel from Mansa to Bathinda alongwith the minor son and the expenses for travelling will also be an additional financial burden on her.

Considering the above facts, the instant transfer petition

is allowed. Petition under Section 9 of the Act titled as “Amrik Singh vs. Jasvir Kaur” is withdrawn from the Court of learned Civil Judge (Sr.Divn.), Bathinda and is transferred to the court of competent jurisdiction at Mansa. Learned District & Sessions Judge, Mansa will either keep the petition himself/ herself or entrust it to a Court of competent jurisdiction at Mansa. The complete record pertaining to the case in question shall be sent by the trial Court at Bathinda to the learned District & Sessions Judge, Mansa , within two weeks from the date of receipt of a copy of this order.

The parties shall appear before the Court of District & Sessions Judge, Mansa on 28.10.2015.

17.9.2015
gsv

(SNEH PRASHAR)
JUDGE