

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

TA No.595 of 2013.

Date of Decision: 20.08.2015.

Talwinder Kaur

....Petitioner.

VERSUS

Jaswant Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Rajiv Sharma, Advocate for
Mr. K.S. Sodhi, Advocate for the petitioner.

Mr. H.S. Bedi, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Talwinder Kaur under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Sections 12 and 13 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the court of Additional District Judge, Ludhiana to the court of competent jurisdiction at Jalandhar.

The submissions made by learned counsel representing the petitioner and learned counsel representing the respondent have been heard.

From the submissions made by the petitioner, it transpires that she was married to the respondent on 16.10.2010 at Jalandhar as per Sikh rites and ceremonies. A son namely Ekamjeet Singh was born out of the

wedlock. The petitioner was facing cruelty at the hands of respondent and his family members and ultimately in the month of December, 2012, she was thrown out of the matrimonial home and since then she alongwith her minor son is residing with her parents at Jalandhar.

It was submitted on behalf of the petitioner that respondent has since filed a petition under Section 12 and 13 of the Act of 1955, which is pending adjudication in the court of Additional District Judge, Ludhiana. Submitting that the distance between Jalandhar to Ludhiana is 50 kilometers and it is difficult for the petitioner to travel alongwith her minor son from Jalandhar to Ludhiana, learned counsel sought transfer of the petition filed under Section 12 and 13 of the Act of 1955 pending before Additional District Judge, Ludhiana.

The only objection raised by learned counsel for the respondent is that a cousin brother of the petitioner is employed in police and is posted at Jalandhar because of which the respondent apprehends harassment at the hands of the petitioner at Jalandhar where she is residing.

Admittedly, the petitioner is presently residing with her parents at Jalandhar. The apprehension expressed by the respondent appears to be irrelevant. Simply because some relative of the petitioner is employed in police department and is posted at Jalandhar is no reason to decline the relief to her to which she is entitled. The petitioner has a small child and it will obviously be difficult/inconvenient for her to travel with the child from Jalandhar to Ludhiana for contesting the petition initiated by the respondent. As submitted by her, she is a household lady and has no

independent source of income. Expenses incurred on travelling etc. will be an additional financial burden on her. It has been held in *Sumita Singh vs. Kumar Sanjay and another*, AIR 2002 (SC) 396 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, the petition filed by the respondent under Section 12 and 13 of the Act of 1955 pending in the court of learned Additional District Judge, Ludhiana is withdrawn from the said court and is transferred to the court of competent jurisdiction at Jalandhar. The file shall be sent by the trial court to the court of District and Sessions Judge, Jalandhar within two weeks from the date of receipt of copy of this order, who will either keep the petition himself or will entrust the same to any other competent court of jurisdiction at Jalandhar.

The parties are directed to appear before the District Judge, Jalandhar on 28.09.2015.

(SNEH PRASHAR)
JUDGE

20.08.2015.
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