

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

TA No.65 of 2013 (O&M).

Date of Decision: 13.08.2015.

Parveen

....Petitioner.

VERSUS

Surinderpal

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Deepak Nayyar, Advocate for the petitioner.
Mr. Deepak Verma, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Parveen under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the court of Additional Civil Judge (Senior Division), Garhshankar to the court of competent jurisdiction at Chandigarh.

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

It emerges from the rival contention of the parties that the marriage between the petitioner and the respondent was solemnized on 20.06.2012. According to the petitioner, after marriage she had never left

the conjugal company of the respondent without his knowledge and permission. The respondent filed a petition under Section 9 of the Act of 1955 against her. When she gave him the news of her pregnancy, he got furious and started levelling false allegations against her modesty.

It was further submitted on behalf of the petitioner that she has given birth to a daughter and is residing at Chandigarh with her parents. Her father has already retired and she has no independent source of income. The distance between Chandigarh and Garhshankar is about 100 kilometers. Due to financial constraints, it is difficult for her to travel with the minor daughter such a long distance. She also apprehends danger to her life and liberty at the hands of the respondent while attending the proceedings at Garhshankar.

Resisting the prayer of the petitioner, learned counsel for the respondent submitted that the petitioner has left the company of the respondent without any reasonable cause. He was never informed about the pregnancy of the petitioner. She wrongly stated that she was residing at Chandigarh and had cheated him. He tried his level best to settle the dispute but the petitioner and his family members being greedy persons were demanding Rs.50 lacs.

As observed in the order dated 15.07.2015 the petitioner appeared to be sure that she does not want to continue with the marital relationship with him.

Admittedly, petitioner is presently residing with her parents at Chandigarh. She has a small daughter aged two years. The distance from

Garhshankar to Chandigarh is approximately 100 kilometers and it would be undoubtedly inconvenient/difficult for the petitioner to travel from Chandigarh to Garhshankar with the small child for attending the court proceedings. It has been held in *Sumitra Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396* and *Neelam Kanwar vs. Devinder Singh Kanwar, 2000(43) AIR 129* that convenience of the wife has to be taken into consideration in such like matters.

Accordingly, the petition filed by the respondent under Section 9 of the Act of 1955 pending in the court of learned Additional Civil Judge (Senior Division), Garhshankar is withdrawn from the said court and is transferred to the court of competent jurisdiction at Chandigarh. The file shall be sent by the trial court to the court of District and Sessions Judge, Chandigarh 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 Chandigarh.

The parties are directed to appear before the District Judge, Chandigarh on 09.09.2015.

(SNEH PRASHAR)
JUDGE

13.08.2015.
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