

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

TA No.698 of 2013.

Date of Decision: 03.12.2015.

Parveen Kumari alias Megha

....Petitioner.

VERSUS

Kuldeep Saini

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sanjay Mittal, Advocate for the petitioner.

Mr. Ashwani Verma, Advocate for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Parveen Kumari-wife 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 learned District Judge, Family Court, Hisar to the Court of competent jurisdiction at Narnaul, District Mahendergarh.

The submissions made by Mr. Sanjay Mittal, learned counsel representing the petitioner and Mr. Ashwani Verma, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married

to the respondent on 12.11.2011 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately was forced to leave the matrimonial home and is since residing with her parents. She filed a complaint under the Protection of Women from Domestic Violence Act, 2005 which is pending at Narnaul, District Mahendergarh. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of District Judge, Family Court, Hisar. Submitting that the petitioner is a poor lady and has no independent source of income, learned counsel sought transfer of the petition to Narnaul, District Mahendergarh.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she has herself withdrawn from his conjugal company without any reasonable cause.

Admittedly, the petitioner is residing at her parental house at Narnaul. One case arising out of the marital discord between the parties and filed by the petitioner is already pending at Narnaul. The distance between Narnaul, District Mahendergarh and Hisar is about 170 kilometers. Travelling such long distance to attend the hearings before the Court will certainly be difficult for the petitioner and the expenses for travelling will also 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, considering all the facts, the petition filed by the respondent under Section 9 of the Act of 1955 pending in the Court of learned District Judge, Family Court, Hisar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Narnaul. The file shall be sent by the trial Court to the District and Sessions Judge, Mahendergarh within two weeks from the date of receipt of copy of this order, who will entrust the same to the Court of competent jurisdiction at Narnaul.

The parties are directed to appear before the District Judge, Mahendergarh on 14.01.2016.

(SNEH PRASHAR)
JUDGE

03.12.2015.
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