

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

TA No.158 of 2015 (O&M).
Date of Decision: 15.09.2015.

Ruchita
Lalit Goyal and others

VERSUS

....Petitioner.
....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Karan Singh, Advocate for the petitioner.
Mr. Vivek Gupta, Advocate for respondent No.1.

SNEH PRASHAR, J.

This is a petition by petitioner-wife Smt. Ruchita under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 12 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the Court of Additional District Judge, Patiala to the Court of competent jurisdiction at Panchkula.

The submissions made by Mr. Karan Singh, learned counsel representing the petitioner and Mr. Vivek Gupta, learned counsel representing respondent No.1 have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 10.12.2013. After marriage, she was being treated with cruelty by the respondent-husband and his family members and ultimately

was turned out of the matrimonial home and since then is residing with her parents. Having faced the cruelty at the hands of the respondent and his family members, she lodged a complaint with the police on which First Information Report No.401 dated 29.08.2014 under Section 498-A/406/506/182 of the Indian Penal Code stands registered against the respondent at Police Station Sector-5, Panchkula. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent at Patiala. The said petition on her application was transferred by this Court from Patiala to Panchkula. She also filed a complaint under Protection of Women from Domestic Violence Act, 2005 which is pending at Panchkula. Respondent has since filed a petition under Section 12 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Patiala. Submitting that the distance between Patiala and Panchkula is about 100 kilometers and it will be inconvenient/difficult for the petitioner to travel from Panchkula to Patiala to defend the petition, learned counsel sought transfer of the petition from Patiala to Panchkula.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that all allegations levelled by the petitioner are false. She has herself left the society of the respondent without any reasonable cause and is herself the wrong doer.

The petitioner is presently residing with her parents at Panchkula. Three cases arising out of the marital discord between the parties are already pending at Panchkula. The distance between Panchkula

and Patiala is about 100 kilometers. It will indeed be difficult for the petitioner to travel such long distance for attending Court hearings 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 the facts discussed above, the petition filed by the respondent under Section 12 of the Act of 1955 pending in the Court of learned Additional District Judge, Patiala is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Panchkula. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Panchkula within two weeks from the date of receipt of copy of this order, who will either keep the petition himself/ herself or will entrust the same to any other Court of competent jurisdiction at Panchkula.

The parties are directed to appear before the District Judge, Panchkula on 28.10.2015.

(SNEH PRASHAR)
JUDGE

15.09.2015.
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