

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

TA No.170 of 2015 (O&M).
Date of Decision: 16.10.2015.

Kiran		Petitioner.
	VERSUS	
Dinesh Sharma		Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

Mr. Vidur Singh Rana, Advocate for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Kiran-wife seeking transfer of the petition filed under Section 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 Patiala.

The submissions made by Mr. Mohit Jaggi, learned counsel representing the petitioner and Mr. Vidur Singh Rana, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 27.11.2009. However, no issue was born out of the wedlock. On 26.06.2013 in a meeting arranged by the respondent he insisted the mother and sister of the petitioner to transfer their house in his

name and to allow him to reside there as '*Ghar Jamai*'. The respondent and his family members committed numerous illegalities against the petitioner. Respondent has since instituted a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Ludhiana. Submitting that the petitioner is residing with her widow mother and the distance between Ludhiana and Patiala is about 80 kilometers, learned counsel sought transfer of the petition from Ludhiana to Patiala.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that she had left the conjugal company of the respondent of her own volition and enjoys good health for travelling from one place to other.

Admittedly, the petitioner is residing with her widow mother at Rajpura, District Patiala. The distance between Patiala and Ludhiana is about 80 kilometers. It will, indeed, be difficult for the petitioner to attend the hearings before the Court by travelling such long distance 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 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 Patiala. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Patiala 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 Patiala.

The parties are directed to appear before the District Judge, Patiala on 26.11.2015.

(SNEH PRASHAR)
JUDGE

16.10.2015.
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