

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

TA No.204 of 2015.

Date of Decision: 17.11.2015.

Sumanjit Kaur @ Sumanjeet Kaur

....Petitioner.

VERSUS

Mohinder Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Nitin Rampal, Advocate for
Mr. Vivek Goel, Advocate for the petitioner.

Respondent proceeded against exparte.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Sumanjit Kaur @ Sumanjeet Kaur-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 Civil Judge (Junior Division), Tarn Taran to the Court of competent jurisdiction at Faridkot.

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

It is submitted on behalf of the petitioner that she was married to the respondent on 27.08.2005 as per Sikh rites and rituals by way of Anand Karaj. After marriage, she was treated with cruelty by the

respondent-husband and his family members and was ultimately thrown out of the matrimonial home and is since residing with her parents. Two children were born out of the wedlock. She filed a petition under Guardians and Wards Act read with Minority and Guardianship Act for custody of her minor children against the respondent and she also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure, which are pending at Faridkot. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of Civil Judge (Junior Division), Tarn Taran. Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition to Faridkot.

Admittedly, the petitioner is residing with her parents at Faridkot. Two cases arising out of the marital discord between the parties are already pending at Faridkot. The distance between Faridkot and Tarn Taran is about 100 kilometers. It will indeed be difficult for the petitioner to attend the hearings before the Court and defend the petition by travelling such a distance. 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 9 of the Act of 1955 pending

in the Court of learned Civil Judge (Junior Division), Tarn Taran is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Faridkot. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Faridkot 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 Faridkot.

The parties are directed to appear before the District Judge, Faridkot on 05.01.2016.

(SNEH PRASHAR)
JUDGE

17.11.2015.
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