

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

TA No.206 of 2015.

Date of Decision: 16.10.2015.

Sonia

....Petitioner.

VERSUS

Chander Bhan

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ram Kumar Saini, Advocate for the petitioner.

Mr. S.S. Dinarpur, Advocate for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 of the Code of Civil Procedure petitioner-wife Smt. Sonia seeks 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, Yamuna Nagar to the Court of competent jurisdiction at Ambala.

The submissions made by Mr. Ram Kumar Saini, learned counsel representing the petitioner and Mr. S.S. Dinarpur, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 03.10.2011 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 15.11.2013 was thrown out of the matrimonial home and is since residing with her parents. A female child

born out of the wedlock is in her custody. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent which is pending at Ambala. Respondent also filed a petition under Section 9 of the Act of 1955 against the petitioner at Ambala but he withdrew the same on 14.10.2014 and has now instituted a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Yamuna Nagar. Submitting that the petitioner has no independent source of income and alongwith her minor child is residing at the mercy of her parents, learned counsel sought transfer of the petition from Yamuna Nagar to Ambala.

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 alongwith her minor child is residing with her parents at Ambala. The distance between Yamuna Nagar and Ambala is about 60 kilometers. The petitioner has a small child, so it will be indeed difficult for her to attend the hearings before the Court by travelling such a 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, Yamuna Nagar at Jagadhari is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Ambala. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Ambala 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 Ambala.

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

(SNEH PRASHAR)
JUDGE

16.10.2015.
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