

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

TA No.215 of 2015 (O&M).
Date of Decision: 06.11.2015.

Pooja
Dinesh

VERSUS

....Petitioner.
....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. S.P. Chahar, Advocate for the petitioner.
None for the respondent.

SNEH PRASHAR, J.

Smt. Pooja-wife filed this petition under Section 24 of the Code of Civil Procedure 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 (Senior Division), Rewari to the Court of competent jurisdiction at Jhajjar.

Respondent was duly served for 04.08.2015 but till date none has appeared on his behalf.

The submissions made by Mr. S.P. Chahar, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 25.11.2013 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately was thrown out of the matrimonial home and since then is residing with her mother. She filed a petition claiming

maintenance under Section 125 of the Code of Criminal Procedure which is pending at Jhajjar. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of Civil Judge (Senior Division), Rewari. Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her mother, learned counsel sought transfer of the petition to Jhajjar.

Admittedly, the petitioner is residing at her parental house at Jhajjar. One case arising out of the marital discord between the parties is already pending at Jhajjar in which the respondent would be appearing. The distance between Jhajjar and Rewari is about 60 kilometers. Indeed, it will 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 (Senior Division), Rewari is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Jhajjar. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Jhajjar 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 Jhajjar.

The parties are directed to appear before the District Judge,
Jhajjar on 22.12.2015.

(SNEH PRASHAR)
JUDGE

06.11.2015.
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