

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

TA No.218 of 2015.

Date of Decision: 11.08.2015.

Harjeet Kaur

....Petitioner.

VERSUS

Amanpreet Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. R.S. Chauhan, Advocate for the petitioner.

Mr. Vikas Goyal, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Harjeet Kaur under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") 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, SAS Nagar, Mohali to the court of competent jurisdiction at Ropar.

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

From the rival contention of the parties, it transpires that the marriage between the petitioner and the respondent was solemnized on 02.10.2011 at village Brahmpur, District Ropar as per Hindu rites and ceremonies by performing Anand Karaj and out of the wedlock a son namely Agamjit Singh was born on 18.07.2012. It was submitted on behalf of the petitioner that her parents gave sufficient dowry at the time of marriage but the respondent and his family members were not happy with the dowry and soon after they started demanding huge cash amount and other valuable articles as additional dowry. She was turned out of the matrimonial home on 01.10.2013 and since then she is residing with her parents at village Brahmpur.

It was further submitted by learned counsel for the petitioner that the petitioner has no independent source of income and alongwith her minor child is living at the mercy of her parents whereas the respondent is in government job and is drawing a monthly salary to the tune of Rs.40,000/- per month. He is also engaged in stud farming business from which he is earning Rs.15 to 20 lacs per annum. She filed a petition under Section 125 of the Code of Criminal Procedure claiming maintenance allowance from the respondent in the court of competent jurisdiction at Anandpur Sahib which is pending adjudication. Submitting that the distance between village Brahmpur, Tehsil Anandpur Sahib and Mohali is more than 100 kilometers and it is difficult for the petitioner to travel such a long distance alongwith the minor child aged two and half years and she also has no independent source of income to bear the travelling expenses, learned

counsel sought transfer of the petition from SAS Nagar, Mohali to Ropar.

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

Admittedly, petitioner is presently residing with her parents at village Brahmpur, Tehsil Anandpur Sahib. The distance from SAS Nagar, Mohali to Anandpur Sahib is approximately 100 kilometers. She has already filed a petition claiming maintenance allowance from the respondent which is pending at Anandpur Sahib. It will undoubtedly be inconvenient/difficult for the petitioner to travel alongwith the minor child all the way from Anandpur Sahib to SAS Nagar, Mohali to attend the court proceedings. It has been held in *Sumitra Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396* and *Neelam Kanwar vs. Devinder Singh Kanwar, 2000(43) AIR 129* that convenience of the wife has to be taken into consideration in such like matters.

Accordingly, the petition filed by the respondent under Section 13 of the Act of 1955 pending in the court of learned District Judge, SAS Nagar, Mohali is withdrawn from the said court and is transferred to the court of competent jurisdiction at Ropar. The file shall be sent by the trial court to the court of District and Sessions Judge, Ropar within two weeks from the date of receipt of copy of this order, who will either keep the petition himself or will entrust the same to any other competent court of jurisdiction at Ropar.

The parties are directed to appear before the District Judge,
Ropar on 26.08.2015.

(SNEH PRASHAR)
JUDGE

11.08.2015.
jitender