

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

TA No.222 of 2015.

Date of Decision: 06.10.2015.

Pooja Rani

....Applicant.

VERSUS

Rajinder Kumar Puri

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Achin Gupta, Advocate for the applicant.

Mr. Nitin Rampal, Advocate for the respondent.

SNEH PRASHAR, J.

This application under Section 24 of the Code of Civil Procedure was filed by Smt. Pooja Rani-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 Additional Civil Judge (Senior Division), Moga to the Court of competent jurisdiction at Faridkot.

The submissions made by Mr. Achin Gupta, learned counsel representing the applicant and Mr. Nitin Rampal, learned counsel representing the respondent have been heard.

It is submitted on behalf of the applicant that she was married to the respondent on 12.03.2008 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his

family members and ultimately on 08.12.2014 was thrown out of the matrimonial home and since then is residing with her parents. A male child was born out of the wedlock. Having faced cruelties by the applicant at the hands of the respondent and his family members, her father lodged a complaint with the police on which First Information Report no.10 dated 05.02.2015 under Section 498-A/406 of the Indian Penal Code was registered against the respondent and his family members at Police Station Kotkapura, District Faridkot. The applicant also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent which is 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 Additional Civil Judge (Senior Division), Moga. Submitting that the applicant 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.

Learned counsel for the respondent resisted the prayer of the applicant on the ground that he is ready to keep and maintain her but she herself has withdrawn from his conjugal company without any reasonable cause.

Admittedly, the applicant alongwith her minor child 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 Moga is about 50-55 kilometers. It will indeed be difficult for the applicant to attend the hearings before the Court and defend the petition

by travelling such a distance alongwith the minor child. 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 Additional Civil Judge (Senior Division), Moga 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 16.11.2015.

(SNEH PRASHAR)
JUDGE

06.10.2015.
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