

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

TA No.239 of 2015.

Date of Decision: 20.08.2015.

Shivani Sharma

....Petitioner.

VERSUS

Piyush Sharma

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Hitesh Pandit, Advocate for the petitioner.

Respondent was proceeded against exparte vide order dated
07.07.2015.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Shivani Sharma 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, Jalandhar to the court of competent jurisdiction at Ludhiana.

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

The submissions made by the petitioner reveal that the marriage between the petitioner and the respondent was solemnized on 18.11.2012 as per Hindu rites and ceremonies. A son namely Teajs Sharma

was born out of the wedlock. After marriage, she was being treated with cruelty by the respondent-husband and his family members and was turned out of the matrimonial home on 02.05.2013. Since then she is residing with her parents at Ludhiana.

It was submitted on behalf of the petitioner that having faced the cruelty at the hands of the respondent and his family members the petitioner was constrained to file a complaint against the respondent and his family members and a case bearing First Information Report No.58 of 2014 was registered. A civil suit for declaration, permanent injunction and mandatory injunction was filed by the respondent against the petitioner at Jalandhar which vide order dated 09.02.2015 passed in TA No.102 of 2015 was transferred by this court from Jalandhar to Ludhiana and now the same is pending at Ludhiana. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the court of Additional District Judge, Jalandhar.

Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents and that two cases arising out of the marital dispute are pending at Jalandhar, learned counsel sought transfer of the petition filed under Section 13 of the Act of 1955 pending before Additional District Judge, Jalandhar to District Court, Ludhiana.

Respondent did not appear despite service and thus he was proceeded against exparte vide order dated 07.07.2015.

The petitioner is presently residing with her parents at

Ludhiana. Two cases arising out of marital dispute between the parties are already pending at Ludhiana. The petitioner fears threat precept in travelling alone to Jalandhar. 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, in view of 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, Jalandhar is withdrawn from the said court and is transferred to the court of competent jurisdiction at Ludhiana. The file shall be sent by the trial court to the court of District and Sessions Judge, Ludhiana within one week 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 competent court of jurisdiction at Ludhiana.

The parties are directed to appear before the District Judge, Ludhiana on 28.09.2015.

(SNEH PRASHAR)
JUDGE

20.08.2015.
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