

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

TA No.256 of 2015.

Date of Decision: 29.09.2015.

Rekha

....Petitioner.

VERSUS

Parmod Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Pardeep Kumar, Advocate for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Rekha invoking the provisions of Section 24 of the Code of Civil Procedure filed the instant petition seeking transfer of the petition filed under Section 13(1A)(1B) of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of Additional District Judge, Rewari to the Court of competent jurisdiction at Bhiwani.

The submissions made by Mr. Balraj Gujjar, learned counsel representing the petitioner and Mr. Pardeep Kumar, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 21.11.2011. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately

was turned out of the matrimonial home and is now residing with her parents. Having faced the cruelty at the hands of the respondent and his family members, she lodged a complaint with the police on which First Information Report No.425 dated 02.07.2012 under Section 498-A/406/324/34 of the Indian Penal Code stands registered against the respondent and his family members at Police Station City, Bhiwani. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent and the said petition as well as the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 filed by her, are also pending at Bhiwani. Respondent has since instituted a petition under Section 13(1A)(1B) of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Rewari. Submitting that the distance between Bhiwani and Rewari is about 100 kilometers and it will be inconvenient/ difficult for the petitioner to travel all the way in order to defend the petition, learned counsel sought transfer of the petition from Rewari to Bhiwani.

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 is residing with her parents at Bhiwani. Three other cases arising out of the marital discord between the parties are already pending at Bhiwani. The distance between Bhiwani and Rewari is about 100 kilometers. It will indeed be difficult for the petitioner

to travel such long distance for attending Court hearings. 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(1A)(1B) of the Act of 1955 pending in the Court of learned Additional District Judge, Rewari is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Bhiwani. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Bhiwani 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 Bhiwani.

The parties are directed to appear before the District Judge, Bhiwani on 06.11.2015.

(SNEH PRASHAR)
JUDGE

29.09.2015.
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