

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

TA No.269 of 2015.

Date of Decision: 27.11.2015.

Navjeet Kaur

....Petitioner.

VERSUS

Jasmail Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Petitioner Navjeet Kaur in person with
Mr. Vikas Gupta, Advocate.

Respondent Jasmail Singh in person with
Mr. A.S. Kakkar, Advocate.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Navjeet Kaur-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), Faridkot to the Court of competent jurisdiction at Tarn Taran.

The submissions made by Mr. Vikas Gupta, learned counsel representing the petitioner and Mr. A.S. Kakkar, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 19.12.2010 as per Sikh rites. After marriage, she was

treated with cruelty by the respondent-husband and his family members and ultimately in the year 2013 was turned out of the matrimonial home and since then is residing in her parental house. A male child born out of the wedlock is in custody of the petitioner. She filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, a petition claiming maintenance under Section 125 of the Code of Criminal Procedure and a complaint under Section 406/498-A of the Indian Penal Code against the respondent, which all are pending at Tarn Taran. 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), Faridkot. Submitting that the petitioner is a poor lady and has no independent source of income, learned counsel sought transfer of the petition to Tarn Taran.

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resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she has herself withdrawn from his conjugal company without any reasonable cause.

Admittedly, the petitioner alongwith her minor child is residing at her parental house at Tarn Taran. Three cases arising out of the marital discord between the parties are already pending at Tarn Taran. The distance between Tarn Taran and Faridkot is about 90 kilometers. Travelling such a distance to attend the hearings before the Court that too alongwith the minor child will certainly be difficult for the petitioner and 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 all the facts, 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), Faridkot is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Tarn Taran. The file shall be sent by the trial Court to the District and Sessions Judge, Amritsar within two weeks from the date of receipt of copy of this order, who will entrust the same to the Court of competent jurisdiction at Tarn Taran.

The parties are directed to appear before the District Judge, Tarn Taran on 11.01.2016.

(SNEH PRASHAR)
JUDGE

27.11.2015.
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