

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

TA No.297 of 2015.

Date of Decision: 11.08.2015.

Pooja

....Petitioner.

VERSUS

Rajan Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. A.S. Gill, Advocate for the petitioner.

Mr. Dinesh Nagar, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Pooja 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, Shaheed Bhagat Singh Nagar to the court of competent jurisdiction at Jalandhar.

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

21.10.2012 as per Hindu rites and ceremonies. It was submitted on behalf of the petitioner that soon after marriage the respondent and his family members started treating her with cruelty and she was ultimately forced to leave the matrimonial home. She filed a complaint on the basis of which First Information Report No.80 dated 27.10.2014 under Section 406/498-A of the Indian Penal Code was registered at Police Station Women Cell, Jalandhar. Challan in the case has been filed against the respondent and he is facing trial before Judicial Magistrate Ist Class, Jalandhar. 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, Shaheed Bhagat Singh Nagar. She appeared through her counsel and was directed to appear for conciliation proceedings on 31.01.2015. On the date fixed, after attending the proceedings when she was coming to the bus stand, the respondent alongwith his 2-3 friends chased her and threatened her. She approached a policeman standing in front of the court premises on which they fled away. In respect of the incident, she gave a complaint at Police Station City, Nawanshahar but could not pursue the same as she had no money to bear the travelling expenses etc. Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her maternal relatives and that her mother also does not keep good health, learned counsel sought transfer of the petition filed under Section 13 of the Act of 1955 pending before Additional District Judge, Shaheed Bhagat Singh Nagar to District Court, Jalandhar.

Resisting the prayer of the petitioner, learned counsel for the

respondent submitted that the petitioner had herself left the matrimonial home and the allegations levelled in her complaint are false.

Admittedly, the petitioner is presently residing with her parents at Jalandhar. The criminal case registered on her complaint is also pending at Jalandhar. She fears threat precept in travelling alone to Shaheed Bhagat Singh Nagar. The expenses for travelling will also be an additional financial burden on her. It will undoubtedly be inconvenient/difficult for the petitioner to travel all the way from Jalandhar to Shaheed Bhagat Singh Nagar 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 Additional District Judge, Shaheed Bhagat Singh Nagar is withdrawn from the said court and is transferred to the court of competent jurisdiction at Jalandhar. The file shall be sent by the trial court to the court of District Judge, Jalandhar within one week 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 Jalandhar.

The parties are directed to appear before the District Judge, Jalandhar on 27.08.2015.

(SNEH PRASHAR)
JUDGE

11.08.2015.
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