

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

TA No.301 of 2015.

Date of Decision: 22.09.2015.

Mandeep Kaur

....Petitioner.

VERSUS

Inderjit Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Pardeep Kumar, Advocate for
Mr. Amandeep Singh Cheema, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Mandeep Kaur-wife, 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 learned Additional District Judge, Ludhiana to the Court of competent jurisdiction at Mansa.

Despite due service of notice of the petition on the respondent, he has not opt to appear and contest the same and is thus proceeded against exparte.

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

It is submitted on behalf of the petitioner that she was married

to the respondent on 25.11.2012. After marriage, she was treated with cruelty by the respondent-husband and his family members and was ultimately thrown out of the matrimonial home and since then she is residing with her parents. Having faced cruelties at the hands of the respondent and his family members, she lodged a complaint with the police on which First Information Report no.82 dated 30.08.2013 under Section 406/498-A of the Indian Penal Code was registered against the respondent and his family members at Police Station Mansa. She also filed a petition claiming maintenance allowance under Section 125 of the Code of Criminal Procedure (for short, "Cr.P.C.") against the respondent which is pending at Mansa. 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, Ludhiana. Submitting that the petitioner 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 filed under Section 13 of the Act of 1955 pending before Additional District Judge, Ludhiana to District Courts, Mansa.

Presently, the petitioner is residing with her parents at Mansa. Two cases arising out of the marital discord between the parties are already pending at Mansa. The distance between Mansa and Ludhiana is about 150 kilometers. It will indeed be difficult for the petitioner to travel such a long distance to attend the hearings at Ludhiana and the expenses for travelling will also be an additional financial burden on her whereas the respondent is already appearing in two cases at Mansa. 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 of the Act of 1955 pending in the Court of learned Additional District Judge, Ludhiana is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Mansa. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Mansa 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 Mansa.

The parties are directed to appear before the District Judge, Mansa on 28.10.2015.

(SNEH PRASHAR)
JUDGE

22.09.2015.
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