

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

TA No.302 of 2015.

Date of Decision: 28.11.2015.

Rajveer Kaur

....Petitioner.

VERSUS

Amrinder Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. J.C. Malik, Advocate for the petitioner.

Mr. O.P. Dabla, Advocate for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 of the Code of Civil Procedure petitioner-wife Smt. Rajveer Kaur seeks transfer of the petition filed under Section 11 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of learned Additional District Judge, Mohali to the Court of competent jurisdiction at Patiala.

The submissions made by Mr. J.C. Malik, learned counsel representing the petitioner and Mr. O.P. Dabla, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 22.10.2012 as per Sikh rites. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately she was forced to leave the matrimonial home and since

21.11.2014 is residing at her parental house. She filed a complaint under the Protection of Women from Domestic Violence Act, 2005 which is pending at Patiala. Respondent has since instituted a petition under Section 11 of the Act of 1955, which is pending adjudication before Additional District Judge, Mohali. Submitting that the petitioner is a poor lady and has no source of income and is residing at the mercy of her maternal grandmother (Nani), learned counsel sought transfer of the petition to Patiala.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that before her marriage with the respondent the petitioner was already married and has a living spouse and that she was married to him by concealing the said fact.

The respondent could not dispute that the petitioner is residing with her maternal grandmother at Patiala. One case arising out of marital discord between the parties initiated by the petitioner is already pending at Patiala. The distance between Mohali and village Fatehgarh Rurka, District Patiala is about 125 kilometers. The respondent must be attending the proceedings of the case filed by the petitioner at Patiala. For the petitioner being a lady dependant on her grandmother will indeed be difficult to travel such long distance to attend the hearings before the Court at Mohali. The expenses on 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 11 of the Act of 1955 pending in the Court of learned Additional District Judge, Mohali is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Patiala. The file shall be sent by the trial Court to the District and Sessions Judge, Patiala 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 Patiala.

The parties are directed to appear before the District Judge, Patiala on 12.01.2016.

(SNEH PRASHAR)
JUDGE

28.11.2015.
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