

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

TA No.314 of 2015 (O&M).

Date of Decision: 17.11.2015.

Varinder Kaur

....Petitioner.

VERSUS

Gurpreet Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ritesh Pandey, 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. Varinder 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, Hoshiarpur to the Court of competent jurisdiction at Gurdaspur.

Respondent was served for 13.07.2015 and thereafter on 31.08.2015, on written request received from learned counsel for the respondent, case was adjourned for today, however, today none has appeared on behalf of the respondent and thus he is 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 14.12.2006 as per Sikh rites. 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 is since residing with her parents. A male child was born out of the wedlock who is in her care and custody. Respondent has filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the court of Additional District Judge, Hoshiarpur. 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 to Gurdaspur.

Presently, the petitioner alongwith her minor child is residing with her parents at Gurdaspur. Two cases arising out of the marital discord between the parties are stated to be pending at Gurdaspur. The distance between Gurdaspur and Hoshiarpur is about 80 kilometers. The petitioner also has a minor son. So, it will indeed be difficult for her to travel such a long distance alongwith the minor child to attend the hearings at Hoshiarpur 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 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, Hoshiarpur is

withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Gurdaspur. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Gurdaspur 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 Gurdaspur.

The parties are directed to appear before the District Judge, Gurdaspur on 05.01.2016.

(SNEH PRASHAR)
JUDGE

17.11.2015.
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