

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

**TA No.347 of 2015.**

**Date of Decision: 28.11.2015.**

Priya

....Petitioner.

**VERSUS**

Gurbhej Singh

....Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. L.S. Mann, Advocate for the petitioner.

None for the respondent.

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**SNEH PRASHAR, J.**

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Priya-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 District Judge, Amritsar to the Court of competent jurisdiction at Pathankot.

Respondent was served for 10.07.2015 but till date neither the respondent has himself put in appearance nor anyone on his behalf has appeared. He 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 10.02.2014 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 08.10.2014 was thrown out of the matrimonial home and since then is residing with her parents. She filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and she also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure, which are pending at Pathankot. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of District Judge, Amritsar. 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 Pathankot.

Admittedly, the petitioner is residing with her parents at Pathankot. Two cases arising out of the marital discord between the parties are already pending at Pathankot in which the respondent must be appearing. The distance between Pathankot and Amritsar is about 120 kilometers. It will indeed be difficult for the petitioner to attend the hearings before the Court and defend the petition by travelling such long distance. 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 9 of the Act of 1955 pending in the Court of learned District Judge, Amritsar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Pathankot. The file shall be sent by the trial Court to the District and Sessions Judge, Pathankot 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 Pathankot.

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

**(SNEH PRASHAR)**  
**JUDGE**

**28.11.2015.**  
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