

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

TA No.351 of 2015.

Date of Decision: 17.08.2015.

Nisha

....Petitioner.

VERSUS

Bhupinder Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Jaideep Verma, Advocate for the petitioner.

Mr. Chandeeep Singh, Advocate for
Mr. Sandeep K. Sharma, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Nisha 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, Chandigarh to the court of competent jurisdiction at Rupnagar.

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

From the submissions made on behalf of the petitioner, it

reveals that the marriage between the petitioner and the respondent was solemnized on 06.02.2010 as per Hindu rites and ceremonies and a son namely Daksh was born out of the wedlock on 21.10.2012. Her parents spent huge amount on the marriage but the respondent and his family members being greedy persons were not satisfied and soon after marriage, they started treating her with cruelty and ultimately she was thrown out of the matrimonial house alongwith the minor son. The 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, Chandigarh. Submitting that the distance from Rupnagar to Chandigarh is about 60 kilometers and petitioner has no independent source of income and is residing alongwith her minor son with her parents, learned counsel sought transfer of the petition filed under Section 13 of the Act of 1955 pending before Additional District Judge, Chandigarh to District Court, Rupnagar.

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 petition are false.

Admittedly, the petitioner is presently residing with her parents at Rupnagar. She fears threat precept in travelling alone with the minor son to Chandigarh. The expenses for travelling will also be an additional financial burden on her. It will undoubtedly be inconvenient/difficult for her to defend the petitioner initiated by the respondent-husband at Chandigarh. 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, Chandigarh is withdrawn from the said court and is transferred to the court of competent jurisdiction at Rupnagar. The file shall be sent by the trial court to the court of District and Sessions Judge, Rupnagar within two weeks 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 Rupnagar.

The parties are directed to appear before the District Judge, Rupnagar on 24.09.2015.

(SNEH PRASHAR)
JUDGE

17.08.2015.
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