

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

TA No.407 of 2015.

Date of Decision: 17.11.2015.

Meenu Sood

....Petitioner.

VERSUS

Raman Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Jagdish Rai, Advocate for the petitioner.

Mrs. Kiran Bala Jain, Advocate for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 of the Code of Civil Procedure petitioner-wife Smt. Meenu Sood seeks transfer of the divorce petition filed under the provisions of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Family Court, Ambala to the Court of competent jurisdiction at Panchkula.

The submissions made by Mr. Jagdish Rai, learned counsel representing the petitioner and Mrs. Kiran Bala Jain, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 09.12.2008 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately she was thrown out of the matrimonial home

and is since residing with her parents at village Baltana, District Mohali. A female child born out of the wedlock is in her custody. She moved an application to the police which was duly dealt with by Incharge, Women Cell-2, Phase-7, Mohali. Respondent has since instituted a petition for divorce under the provisions of the Act of 1955, which is pending adjudication before District Judge, Family Court, Ambala. Submitting that the petitioner has no regular independent source of income and alongwith her minor child is residing at the mercy of her parents, learned counsel sought transfer of the petition from Ambala to Panchkula.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that she had left the conjugal company of the respondent of her own volition and enjoys good health for travelling from one place to another.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Baltana, District Mohali. The distance between Ambala and Baltana is about 40 kilometers whereas the distance of Baltana and Panchkula is only 8 kilometers. The petitioner has a small school going child, so it will be indeed difficult for her to attend the hearings before the Court at Ambala. Not only travelling with a minor child is hazardous, 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 for divorce filed by the respondent under the provisions of the Act of 1955 pending in the Court of learned District Judge Family Court, Ambala is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Panchkula. The file shall be sent by the trial Court to the District and Sessions Judge, Panchkula 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 Panchkula.

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

(SNEH PRASHAR)
JUDGE

17.11.2015.
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