

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

TA No.411 of 2015.

Date of Decision: 04.09.2015.

Pallavi

....Petitioner.

VERSUS

Ajay Parkash

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. S.S. Chhokar, Advocate for the petitioner.

Mr. Munish Kumar Garg, Advocate for the respondent.

SNEH PRASHAR, J.

This petition 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, Jind to the Court of competent jurisdiction at Kurukshetra, was filed by petitioner-wife Smt. Pallavi.

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

It is submitted on behalf of the petitioner that she was married to the respondent on 27.06.2012 as per Vedic rites and ceremonies at Kurukshetra. After marriage, she was being treated with cruelty by the respondent-husband and his family members and on 12.03.2013 she was

sent to Kurukshetra and thereafter had not been brought back by the respondent to the matrimonial home and for that reason is residing with her parents at Kurukshetra. A petition under Section 9 of the Act of 1955 filed by her is pending adjudication in the Court of Civil Judge (Senior Division), Kurukshetra. 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 from Jind to Kurukshetra.

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 and other.

The petitioner is presently residing with her parents at Kurukshetra. The distance between Kurukshetra and Jind is about 100 kilometers. It will indeed be difficult for the petitioner to frequently travel such long distance 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, in view of 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, Jind is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Kurukshetra. The file shall be sent by the trial Court to the Court of District

and Sessions Judge, Kurukshetra 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 Kurukshetra.

The parties are directed to appear before the District Judge, Kurukshetra on 05.10.2015.

(SNEH PRASHAR)
JUDGE

04.09.2015.
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