

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

TA No.455 of 2015 (O&M).

Date of Decision: 29.10.2015.

Deepika

....Petitioner.

VERSUS

Sunil Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

Mr. J.R. Syal, Advocate for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Deepika filed this petition under Section 24 of the Code of Civil Procedure 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, Ludhiana to a Court of competent jurisdiction at Amritsar.

Reply filed by the respondent is taken on record.

The submissions made by Mr. V.K. Sandhir, learned counsel representing the petitioner and Mr. J.R. Syal, learned counsel representing

the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 10.12.2010 as per Hindu rites at Amritsar. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately in February, 2011 was turned out of the matrimonial home and since then is residing with her parents. Respondent has instituted a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Ludhiana. Submitting that the petitioner has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition from Ludhiana to Amritsar.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that all allegations levelled by the petitioner are false. She has herself left the society of the respondent without any reasonable cause and is the wrong doer.

Admittedly, because of the marital discord between the parties, the petitioner is residing with her parents at Amritsar. The distance between Amritsar and Ludhiana is about 150 kilometers. Indeed, it will be difficult for the petitioner to attend the hearings in the Court and to defend the petition filed by the respondent by travelling such long distance. The expenditure on 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, Ludhiana is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Amritsar. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Amritsar 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 Amritsar.

The parties are directed to appear before the District Judge, Amritsar on 03.12.2015.

(SNEH PRASHAR)
JUDGE

29.10.2015.
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