

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

TA No.466 of 2015 (O&M).
Date of Decision: 07.12.2015.

Kanchan Bala		Petitioner.
	VERSUS	
Neeraj Kumar		Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Harpal Singh, Advocate for
Mr. A.K. Khunger, Advocate for the petitioner.

Mr. Arpandeeep Narula, Advocate for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Kanchan Bala-wife has filed this application invoking the provisions of Section 24 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, Sirsa to the Court of competent jurisdiction at Fazilka.

The submissions made by Mr. Harpal Singh, learned counsel representing the petitioner and Mr. Arpandeeep Narula, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 24.02.2012 as per Hindu rites and ceremonies. After

marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 13.10.2013 was thrown out of the matrimonial home and since then is residing with her parents. A female child born out of the wedlock is residing with her. Having faced cruelties, she lodged a complaint with the police on which First Information Report no.98 dated 13.06.2014 under Section 406/498-A of the Indian Penal Code was registered against the respondent and his father at Police Station City, Abohar. She also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent which are also pending at Abohar, District Fazilka. Respondent has since instituted a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Sirsa. Submitting that the petitioner has no independent source of income and alongwith her minor child is residing at the mercy of her parents, learned counsel sought transfer of the petition to Fazilka.

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

The petitioner alongwith her minor child is residing with her parents at Abohar, District Fazilka. Three cases arising out of the marital discord between the parties are already pending at Abohar, District Fazilka in which the respondent must be appearing. The distance between Abohar,

District Fazilka and Sirsa is about 120 kilometers. The petitioner has a small child and it will be difficult for her to attend the hearings before the Court at Sirsa by travelling such a 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, 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, Sirsa is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Fazilka. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Fazilka 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 Fazilka.

The parties are directed to appear before the District Judge, Fazilka on 15.01.2016. The transferee Court is directed to decide the petition under Section 13 of the Act of 1955 at the earliest.

(SNEH PRASHAR)
JUDGE

07.12.2015.
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