

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

TA No.469 of 2015.

Date of Decision: 04.12.2015.

Rajni Devi

....Petitioner.

VERSUS

Sachin Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Rajni Devi-wife has filed this petition under Section 24 of the Code of Civil Procedure seeking transfer of the petition under Section 9 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) filed by respondent-husband from the Court of learned Additional District Judge, Family Court, Ambala to the Court of competent jurisdiction at Chandigarh.

Respondent was served for 28.08.2015 but till date neither he himself has put in appearance nor anyone has appeared on his behalf and thus he is proceeded against exparte.

The submissions made by Mr. K.S. Sidhu, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married

to the respondent on 18.04.2014 as per Sikh rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 14.01.2015 was thrown out of the matrimonial home and since then is residing with her parents. A male child born out of the wedlock is residing in the care and custody of the petitioner. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of learned Additional District Judge, Family Court, Ambala. 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 Chandigarh.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Chandigarh. She is said to be dependant on her parents. The distance between Chandigarh and Ambala is about 45 kilometers. It will indeed be difficult for the petitioner to attend the hearings before the Court and defend the petition by travelling such a distance and that too alongwith the minor child. 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 9 of the Act of 1955 pending in the Court of learned Additional District Judge, Family Court, Ambala is

withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Chandigarh. The file shall be sent by the trial Court to the District and Sessions Judge, Chandigarh 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 Chandigarh.

The parties are directed to appear before the District Judge, Chandigarh on 15.01.2016.

(SNEH PRASHAR)
JUDGE

04.12.2015.
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