

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

TA No.474 of 2015.

Date of Decision: 17.11.2015.

Anita Rani @Anita Kumari @ Neeta KumariPetitioner.

VERSUS

Munish KumarRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Harjeet Savra, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Anita Rani @Anita Kumari @ Neeta Kumari-wife seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of learned District Judge, Family Court, S.B.S. Nagar to the Court of competent jurisdiction at Hoshiarpur.

Despite the notice having been received back duly served on the respondent neither he has appeared in person nor anyone has put in appearance on his behalf. He is, thus, proceeded against exparte.

The submissions made by Mr. Harjeet Savra, learned counsel

representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 04.09.2014 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately was thrown out of the matrimonial home and is residing with her mother. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure which is pending at Hoshiarpur. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of District Judge, Family Court, S.B.S. Nagar. 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 to Hoshiarpur.

Admittedly, the petitioner is residing at her parental house at Hoshiarpur. One case arising out of the marital discord between the parties is already pending at Hoshiarpur. The respondent is also stated to be an accused in two criminal cases. The distance between Hoshiarpur and S.B.S. Nagar is about 60 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. 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 District Judge, Family Court, S.B.S. Nagar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Hoshiarpur. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Hoshiarpur 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 Hoshiarpur.

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

(SNEH PRASHAR)
JUDGE

17.11.2015.
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