

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

TA No.497 of 2015.

Date of Decision: 22.09.2015.

Gurmeet Kaur

....Petitioner.

VERSUS

Neki

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ranjit Sharma, Advocate for the petitioner.
None for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 read with Section 151 of the Code of Civil Procedure (for short, "C.P.C.") was filed by petitioner Smt. Gurmeet Kaur-wife seeking transfer of the petition filed under Section 32 of the Indian Divorce Act, 1869 (for short, "the Act of 1869") by respondent-husband from the Court of learned Additional District Judge, Gurdaspur to the Court of competent jurisdiction at Amritsar.

Despite due service of notice of the petition on the respondent, he did not opt to appear and contest the same and is thus proceeded against exparte.

The submissions made by learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 17.02.2015 as per Christian rites and ceremonies. After

marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 23.02.2015 was thrown out of the matrimonial home and since then she is residing with her widow mother. She filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, "the Act of 2005") which is pending at Amritsar. Respondent has since filed a petition under Section 32 of the Act of 1869, which is pending adjudication in the Court of Additional District Judge, Gurdaspur. Submitting that the petitioner is a poor lady and has no independent source of income and it is also difficult for her to travel from Gurdaspur to District Courts Amritsar to defend the petition, learned counsel sought transfer of the petition from Gurdaspur to Amritsar.

Admittedly, the petitioner is residing with her widow mother at Amritsar. The distance between Amritsar and Gurdaspur is about 90 kilometers. It will indeed be difficult for the petitioner to travel and contest the petition initiated by the husband at a far of place especially when the petition filed by her under Section 12 of the Act of 2005 against the respondent-husband is already pending at Amritsar. 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 32 of the Act of 1869

pending in the Court of learned Additional District Judge, Gurdaspur 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 29.10.2015.

(SNEH PRASHAR)
JUDGE

22.09.2015.
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