

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

TA No.499 of 2015.

Date of Decision: 05.11.2015.

Sonia @ Laxmi

....Petitioner.

VERSUS

Sanjay

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Respondent exparte vide order dated 01.09.2015.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Sonia @ Laxmi-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 Civil Judge (Senior Division), Ferozepur to the Court of competent jurisdiction at Jalandhar.

The submissions made by Mr. Abhinav Gupta, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 07.02.2013 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 21.01.2015 was thrown out of the

matrimonial home and since then is residing with her parents. A male child was born out of the wedlock. She filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and she also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure which are pending at Jalandhar. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of Civil Judge (Senior Division), Ferozepur. 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 Jalandhar.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Jalandhar. Two cases arising out of the marital discord between the parties are already pending at Jalandhar. The distance between Jalandhar and Ferozepur is about 150 kilometers. It will indeed be difficult for the petitioner to attend the hearings before the Court and defend the petition by travelling such long distance 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 Civil Judge (Senior Division), Ferozepur is

withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Jalandhar.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

The parties are directed to appear before the District Judge, Jalandhar on 17.12.2015.

(SNEH PRASHAR)
JUDGE

05.11.2015.
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