

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

TA No.516 of 2015 (O&M).
Date of Decision: 14.09.2015.

Baljinder Kaur		Petitioner.
	VERSUS	
Charanjit Singh		Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Naresh Kaushik, Advocate for
Mr. T.P.S. Bhatti, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by petitioner-wife Smt. Baljinder Kaur under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") 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 Additional Civil Judge (Senior Division), Payal, District Ludhiana to the Court of competent jurisdiction at Sangrur.

The submissions made by Mr. Ashok Bhardwaj, learned counsel representing the petitioner and Mr. Naresh Kaushik, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 28.10.2012 as per Hindu rites and ceremonies. No issue was born out of the wedlock. Due to the temperamental differences,

certain differences arose between them which were settled by way of Panchayati compromise dated 19.02.2015 and they decided to live separately. The respondent agreed to pay Rs.1,70,000/- to her on 06.03.2015. Instead of complying with the compromise, the respondent filed a petition under Section 9 of the Act of 1955 which is pending adjudication in the Court of Additional Civil Judge (Senior Division), Payal, District Ludhiana. 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 from Payal, District Ludhiana to District Courts Sangrur.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she herself has withdrawn from his conjugal company without any reasonable cause.

Presently, the petitioner is residing with her parents at village Kakra, District Sangrur. The distance between Sangrur and Payal, District Ludhiana is about 60 kilometers. It will indeed be difficult for the petitioner to attend the hearings before the Court by travelling such 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 above facts, the petition filed by

the respondent under Section 9 of the Act of 1955 pending in the Court of learned Additional Civil Judge (Senior Division), Payal, District Ludhiana is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Sangrur. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Sangrur 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 Sangrur.

The parties are directed to appear before the District Judge, Sangrur on 15.10.2015.

(SNEH PRASHAR)
JUDGE

14.09.2015.
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