

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

TA No.532 of 2015.

Date of Decision: 28.09.2015.

Alisha Sharma

....Petitioner.

VERSUS

Sparsh Sharma

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mrs. Jatinder Jit Kaur, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Alisha Sharma-wife filed this petition under Section 24 of the Code of Civil Procedure seeking transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of District Judge, Sangrur to the Court of competent jurisdiction at Jalandhar.

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

The submissions made by Mrs. Jatinder Jit Kaur, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 19.11.2013. After marriage, she was being treated with

cruelty by the respondent-husband and his family members and ultimately on 04.05.2015 was turned out of the matrimonial home and since then is residing with her parents. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent and she also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which are pending at Jalandhar. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of District Judge, Sangrur. Submitting that the distance between Sangrur and Jalandhar is about 150 kilometers and it will be inconvenient/ difficult for the petitioner to travel from Jalandhar to Sangrur to defend the petition, learned counsel sought transfer of the petition to Jalandhar.

Presently, the petitioner 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 Sangrur is about 150 kilometers. It will indeed be difficult for the petitioner to travel such long distance for attending Court hearings 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 facts discussed above, the petition filed by the respondent under Section 13 of the Act of 1955

pending in the Court of learned District Judge, Sangrur 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 03.11.2015.

(SNEH PRASHAR)
JUDGE

28.09.2015.
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