

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

TA No.538 of 2015 (O&M).
Date of Decision: 30.11.2015.

Priyanka		Petitioner.
	VERSUS	
Ajay Kumar		Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. O.P. Dhankhar, Advocate for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Priyanka-wife has filed this petition invoking the provisions of Section 24 read with Section 151 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, Jhajjar to the Court of competent jurisdiction at Sonipat.

The submissions made by Mr. Naveen Daryal, learned counsel representing the petitioner and Mr. O.P. Dhankhar, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 25.11.2013 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his

family members and was ultimately thrown out of the matrimonial home and is since residing with her parents. A male child born out of the wedlock is residing with the petitioner. Having faced cruelties, she lodged a complaint with the police on which First Information Report no.27 dated 22.04.2014 under Section 498-A/506/323/34 of the Indian Penal Code was registered against the respondent and his family members at Women Police Station Sonipat. She also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent which is also pending at Sonipat. Respondent has since instituted a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of District Judge, Jhajjar. Submitting that the petitioner has no independent source of income and alongwith her minor child is residing at the mercy of her parents, learned counsel sought transfer of the petition from Jhajjar to Sonipat.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that she had left the conjugal company of the respondent of her own volition and enjoys good health for travelling from one place to another.

Presently, the petitioner alongwith her minor child is residing with her parents at Sonipat. Two cases arising out of the marital discord between the parties are already pending at Sonipat in which the respondent must be appearing. The distance between Sonipat and Jhajjar is about 60 kilometers. The petitioner has a small child and it will be difficult for her to attend the hearings before the Court at Jhajjar by travelling such 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 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, Jhajjar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Sonipat. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Sonipat 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 Sonipat.

The parties are directed to appear before the District Judge, Sonipat on 12.01.2016.

(SNEH PRASHAR)
JUDGE

30.11.2015.
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