

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

TA No.540 of 2015.

Date of Decision: 29.09.2015.

Seema Rani

....Applicant.

VERSUS

Bhavjeet Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Mandeep Singh, Advocate for
Mr. Amit Dhawan, Advocate for the applicant.

None for the respondent.

SNEH PRASHAR, J.

This application by Smt. Seema Rani-wife filed under Section 24 of the Code of Civil Procedure is to seek transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) of respondent-husband from the Court of learned District Judge, Mansa to the Court of competent jurisdiction at Jalandhar.

Notice of the application sent to the respondent was received back duly served, but he did not appear and is thus proceeded against exparte.

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

It is submitted on behalf of the applicant that she was married

to the respondent on 27.02.2011 and a son was born out of the wedlock. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately in September, 2014 was turned out of the matrimonial home and since then is residing with her parents at village Aulakh, District 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, Mansa. Submitting that the distance between Jalandhar and Mansa is about 170 kilometers and it will be inconvenient/ difficult for the applicant to travel alongwith her minor child from Jalandhar to Mansa to defend the petition, learned counsel sought transfer of the petition from Mansa to Jalandhar.

Admittedly, due to the marital discord between the parties to the lis, the applicant alongwith her minor child is residing with her parents at village Aulakh, District Jalandhar. The distance between Jalandhar and Mansa is about 170 kilometers. It will indeed be difficult for the applicant to travel such long distance with her small child 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 pleas of the applicant, the petition filed by the respondent under Section 13 of the Act of 1955 pending in the Court of learned District Judge, Mansa 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 06.11.2015.

(SNEH PRASHAR)
JUDGE

29.09.2015.
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