

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

TA No.542 of 2015.

Date of Decision: 30.11.2015.

Sonia

....Petitioner.

VERSUS

Navjot Singh @ Rinku

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Mohinder Pal, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Smt. Sonia-wife filed this petition under Section 24 of the Code of Civil Procedure 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), Sunam, District Sangrur to the Court of competent jurisdiction at Sirsa.

Respondent was duly served for 30.10.2015 but till date none has appeared on his behalf. He is thus, proceeded against exparte.

The submissions made by Mr. Mohinder Pal, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 28.07.2013 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately was forced to leave the matrimonial home and since then is residing with her parents at Mandi Dabwali, District Sirsa. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure and a petition under Section 13 of the Act of 1955 which are pending at Sangaria (Rajasthan) just 32 kilometers away from Mandi Dabwali as from her childhood she had been residing with her maternal grandmother at Sangaria. The maternal grandmother being old and unable to protect her life has since sent her to her parental home. The respondent has instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of Civil Judge (Senior Division), Sunam, District Sangrur. Submitting that the petitioner has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition to Sirsa.

Admittedly, the petitioner is residing at her parental house at Mandi Dabwali, District Sirsa. She has already two case due to the marital discord and is pursuing the same at Sangaria (Rajasthan) situated at a distance of 32 kilometers from Mandi Dabwali and the respondent must be appearing in those cases. The petition of the respondent is pending at Sunam. The distance between Sirsa and Sunam, District Sangrur is about 150 kilometers. In the circumstances discussed above it will indeed, be difficult for the petitioner to attend the hearings before the Court and defend

the petition by travelling such long distance. 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), Sunam, District Sangrur is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Sirsa. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Sirsa 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 Sirsa.

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

(SNEH PRASHAR)
JUDGE

30.11.2015.
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