

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

TA No.566 of 2015 (O&M).
Date of Decision: 30.11.2015.

Preet alias Priya		Petitioner.
	VERSUS	
Kulbir Singh Maan		Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Parveen Kumar, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Preet alias Priya-wife 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 Senior Sub Judge, Roopnagar to the Court of competent jurisdiction at Amritsar.

Despite the notice having been received back served on the respondent through his mother, none has appeared on his behalf and thus he is proceeded against exparte.

The submissions made by Mr. Parveen Kumar, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 20.03.2013 as per Sikh rites and rituals at Amritsar.

After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately was thrown out of the matrimonial home and is since residing with her parents. Having faced the cruelties, she lodged a complaint with the police on which First Information Report No.31 of 2014 under Section 498A of the Indian Penal Code stands registered against the respondent and his family members at Amritsar. She also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent and a petition under Section 13 of the Act of 1955 which are all pending at Amritsar. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of Senior Sub Judge, Roopnagar. Submitting that the petitioner is residing at the mercy of her parents and the distance between Roopnagar and Amritsar is about 170 kilometers, learned counsel sought transfer of the petition to Amritsar.

Admittedly, the petitioner is residing with her parents at Amritsar. Three cases arising out of the marital discord between the parties are already pending at Amritsar among which is a petition under Section 13 of the Act of 1955 filed by the petitioner. The distance between Amritsar and Roopnagar is about 170 kilometers. It will indeed be difficult for the petitioner to attend the hearings before the Court and defend the case filed by the respondent by travelling such long distance. The expenses for travelling will also be an additional financial burden on her. Moreover, to avoid conflicting judgments, the petition under Section 13 of the Act of 1955 filed by the petitioner and that of the respondent under Section 9 of

the Act of 1955 have to be tried together. 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 Senior Sub Judge, Roopnagar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Amritsar. The file shall be sent by the trial Court to the District and Sessions Judge, Amritsar 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 Amritsar.

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

(SNEH PRASHAR)
JUDGE

30.11.2015.
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