

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

TA No.578 of 2015.

Date of Decision: 04.12.2015.

Ravinder Kaur

....Petitioner.

VERSUS

Anubhav Taheem

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. K.S. Chawla, Advocate for the petitioner.

Ms. Sukhpreet Kaur, Advocate for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 read with Section 151 of the Code of Civil Procedure petitioner-wife Smt. Ravinder Kaur seeks 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 learned District Judge, Kapurthala to the Court of competent jurisdiction at Chandigarh.

Reply filed by learned counsel for the respondent in Court today is taken on record.

The submissions made by Mr. K.S. Chawla, learned counsel representing the petitioner and Ms. Sukhpreet Kaur, learned counsel representing the respondent have been heard.

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

to the respondent on 06.10.2011 as per Sikh rites and ceremonies. It was her 3rd marriage whereas the respondent was married second time. A male child was born out of the wedlock. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately she was thrown out of the matrimonial home alongwith her minor child and is since residing in a rented accommodation at Chandigarh as she is working as Social Studies Mistress (TGT) at Govt. Middle Girls Sr. Secondary School, Chandigarh. Respondent has instituted a petition under Section 13 of the Act of 1955, which is pending adjudication before District Judge, Kapurthala. Submitting that the petitioner alongwith her minor child is residing at Chandigarh and the distance between Chandigarh and Kapurthala is about 170 kilometers, learned counsel sought transfer of the petition to Chandigarh.

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. The factum of second marriage of the petitioner at the time of her marriage with the respondent was concealed by the petitioner and her family members.

Admittedly, the petitioner alongwith her minor child is residing at Chandigarh. The distance between Kapurthala and Chandigarh is about 170 kilometers. She is employed and her child is a school going student. Not only travelling with a minor child is hazardous, the expenses for travelling will also be an additional financial burden on her. It will be

indeed difficult for her to travel such long distance with the child in order to attend the hearings before the Court. 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 Kapurthala is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Chandigarh. The file shall be sent by the trial Court to the District and Sessions Judge, Chandigarh 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 Chandigarh.

The parties are directed to appear before the District Judge, Chandigarh on 15.01.2016.

(SNEH PRASHAR)
JUDGE

04.12.2015.

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