

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

**TA No.606 of 2015.**

**Date of Decision: 10.12.2015.**

Sweety Sharma

....Petitioner.

**VERSUS**

Amit Sharma

....Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Ramandeep Singh, Advocate for the petitioner.

None for the respondent.

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**SNEH PRASHAR, J.**

Petitioner Smt. Sweety Sharma-wife has filed this petition under Section 24 of the Code of Civil Procedure seeking transfer of the petition under Section 9 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) filed by respondent-husband from the Court of learned Additional Civil Judge (Senior Division), Yamunanagar to the Court of competent jurisdiction at SAS Nagar, Mohali.

Despite the notice having been received back duly served on the respondent neither he has appeared in person nor anyone has put in appearance on his behalf. He is, thus, proceeded against exparte.

The submissions made by Mr. Ramandeep Singh, learned counsel representing the petitioner have been considered.

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

to the respondent in the year 2013 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately in May, 2015 was thrown out of the matrimonial home and since then is residing with her parents. A male child born out of the wedlock is residing in the care and custody of the petitioner. A petition claiming maintenance under Section 125 of the Code of Criminal Procedure filed by the petitioner is pending at SAS Nagar, Mohali. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of learned Additional Civil Judge (Senior Division), Yamunanagar. Submitting that the petitioner has no independent source of income and alongwith her minor child is residing at the mercy of her mother, learned counsel sought transfer of the petition to SAS Nagar, Mohali.

Admittedly, the petitioner alongwith her minor child is residing with her parents at SAS Nagar, Mohali. The distance between SAS Nagar, Mohali and Yamunanagar is about 150 kilometers. It is indeed difficult for the petitioner to attend the hearings before the Court and defend the petition by travelling such long distance that too alongwith the minor child. The expenses for travelling are also 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 Additional Civil Judge (Senior Division), Yamunanagar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Rupnagar. The file shall be sent by the trial Court to the District and Sessions Judge, SAS Nagar, Mohali within two weeks from the date of receipt of copy of this order, who will entrust the same to the Court of competent jurisdiction at SAS Nagar, Mohali.

The parties are directed to appear before the District Judge, Rupnagar on 18.01.2016.

**(SNEH PRASHAR)**  
**JUDGE**

**10.12.2015.**  
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