

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

TA No.610 of 2015.

Date of Decision: 11.12.2015.

Ranjeeta

....Petitioner.

VERSUS

Raju Chaudhary

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ashish Naik, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Ranjeeta-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 Civil Judge (Junior Division), Chandigarh to the Court of competent jurisdiction at Bhiwani.

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. Ashish Naik, learned counsel representing the petitioner have been considered.

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

to the respondent on 20.04.2014 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and was ultimately was thrown out of the matrimonial home and is since 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 and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 filed by the petitioner are already pending at Bhiwani. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of learned Civil Judge (Junior Division), Chandigarh. Submitting that the petitioner has no independent source of income and alongwith her minor child is residing at the mercy of her parents, learned counsel sought transfer of the petition to Bhiwani.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Bhiwani. Two cases arising out of marital discord between the parties and filed by the petitioner are already pending at Bhiwani. The distance between Bhiwani and Chandigarh is about 280 kilometers. It will indeed be 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 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 (Junior Division), Chandigarh is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Bhiwani. The file shall be sent by the trial Court to the District and Sessions Judge, Bhiwani 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 Bhiwani.

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

(SNEH PRASHAR)
JUDGE

11.12.2015.
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