

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

TA No.625 of 2015.

Date of Decision: 15.12.2015.

Manpreet Kaur

....Petitioner.

VERSUS

Manavdeep Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Petitioner Smt. Manpreet Kaur-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), Bathinda to the Court of competent jurisdiction at Barnala.

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. Gaurav Sharma, learned counsel representing the petitioner have been considered.

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

to the respondent on 16.03.2013 as per Sikh rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately in November, 2014 was thrown out of the matrimonial home and since then is residing at her parental house. 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 Barnala. 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), Bathinda. 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 Barnala.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Barnala. Two cases arising out of the marital discord between the parties and filed by the petitioner are already pending at Barnala. The distance between Barnala and Bathinda is about 60 kilometers. While it will be difficult for the petitioner to travel with the small child for attending hearing at Bathinda, the respondent who must be already appearing in the matters pending at Barnala can pursue his petition there. The expenses for travelling is also an additional financial burden on the petitioner. 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), Bathinda is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Barnala. The file shall be sent by the trial Court to the District and Sessions Judge, Barnala 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 Barnala.

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

(SNEH PRASHAR)
JUDGE

15.12.2015.
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