

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

TA No.630 of 2015.

Date of Decision: 11.12.2015.

Manjit Kaur

....Petitioner.

VERSUS

Hardeep Dass

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Maninderjit Singh, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 of the Code of Civil Procedure petitioner-wife Smt. Manjit Kaur seeks transfer of the petition filed under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of learned Additional District Judge, Bathinda to the Court of competent jurisdiction at Sangrur.

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. Maninderjit Singh, learned counsel representing the petitioner have been considered.

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

to the respondent on 15.02.2015 as per Sikh rites and ceremonies. 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 since 28.04.2015 is residing in her parental house at Sangrur. Her father is 80% disabled person and she is working in District Education Office, Barnala. Respondent has instituted a petition under Section 13(1)(ia) of the Act of 1955, which is pending adjudication before Additional District Judge, Bathinda. Submitting that the distance between Sangrur and Bathinda is about 120 kilometers and it is difficult for the petitioner to travel, learned counsel sought transfer of the petition to Sangrur.

Because of the marital dispute the petitioner is residing in her parental house at Sangrur. As submitted by learned counsel for the petitioner, on a complaint lodged by her a criminal case under Section 498-A and 406 of the Indian Penal Code has been registered against the respondent at Sangrur in which he must be appearing. The petitioner is working in District Education Office at Barnala. The distance between Bathinda and Sangrur is about 120 kilometers. The father of the petitioner is a disabled person. Such being the circumstances, it will indeed be difficult for her to travel for attending the hearings before the Court at Bathinda and 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 13(1)(ia) of the Act of 1955 pending in the Court of learned Additional District Judge Bathinda is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Sangrur. The file shall be sent by the trial Court to the District and Sessions Judge, Sangrur 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 Sangrur.

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

(SNEH PRASHAR)
JUDGE

11.12.2015.
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