

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

TA No.671 of 2015.

Date of Decision: 26.11.2015.

Neha @ Ruby

....Petitioner.

VERSUS

Munish Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Shashi Kant Gupta, Advocate for
Mr. L.M. Gulati, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 of the Code of Civil Procedure Smt. Neha @ Ruby-wife has initiated this petition seeking transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) filed by respondent-husband from the Court of learned Additional District Judge, Jalandhar to the Court of competent jurisdiction at Amritsar.

Despite the notice sent to the respondent having been received back served by way of affixation, 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 learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 11.04.2013 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and was ultimately thrown out of the matrimonial home and is since residing with her parents. A male child was born out of the wedlock who is in her care and custody. She filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent which is pending at Amritsar. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the court of Additional District Judge, Jalandhar. Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition to Amritsar.

Presently, the petitioner alongwith her minor child is residing with her parents at Amritsar. One case arising out of the marital discord between the parties and filed by the petitioner is already pending at Amritsar. The distance between Amritsar and Jalandhar is about 90 kilometers. It will indeed be difficult for the petitioner to travel such a distance alongwith the minor child to attend the hearings at Jalandhar 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 of the Act of 1955 pending in the Court of learned Additional District Judge, Jalandhar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Amritsar. The file shall be sent by the trial Court to the District and Sessions Judge, Amritsar 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 Amritsar.

The parties are directed to appear before the District Judge, Amritsar on 08.01.2016.

(SNEH PRASHAR)
JUDGE

26.11.2015.
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