

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

TA No.755 of 2015.

Date of Decision: 05.11.2015.

Navneet Kaur

....Applicant.

VERSUS

Parminder Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. G.S. Brar, Advocate for the applicant.

None for the respondent.

SNEH PRASHAR, J.

Applicant Smt. Navneet Kaur invoking the provisions of Section 24 of the Code of Civil Procedure filed the instant application seeking transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of Additional District Judge, Ludhiana to the Court of competent jurisdiction at Jalandhar.

Notice of the petition sent to the respondent has been received back with the report of refusal and he has not opted to appear and contest the same.

The submissions made by Mr. G.S. Brar, learned counsel representing the applicant have been considered.

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

to the respondent on 15.02.2003. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately was turned out of the matrimonial home and is now residing with her father. A male child was born out of the wedlock. Having faced the cruelty at the hands of the respondent and his family members, she lodged a complaint with the police on which First Information Report No.45 dated 10.02.2010 under Section 498-A/406 of the Indian Penal Code stands registered against the respondent and his family members at Police Station Division 6, Model Town, Jalandhar. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent and the said petition as well as the complaint under Section 494 of the Indian Penal Code filed by her, are also pending at Jalandhar. Respondent has since instituted a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Ludhiana. Submitting that the distance between Jalandhar and Ludhiana is about 100 kilometers and it will be inconvenient/ difficult for the applicant to travel all the way in order to defend the petition, learned counsel sought transfer of the petition from Ludhiana to Jalandhar.

Admittedly, the applicant alongwith her minor child is residing with her parents at Jalandhar. Three other cases arising out of the marital discord between the parties are already pending at Jalandhar. The distance between Jalandhar and Ludhiana is about 100 kilometers. It will indeed be difficult for the applicant to travel such long distance alongwith the minor child for attending Court hearings. 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, Ludhiana is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Jalandhar. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Jalandhar 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 Jalandhar.

The parties are directed to appear before the District Judge, Jalandhar on 16.12.2015.

(SNEH PRASHAR)
JUDGE

05.11.2015.
jitender