

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

TA No.13 of 2014.

Date of Decision: 18.08.2015.

Rekha Rani

....Petitioner.

VERSUS

Ajay Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sukhmani, Advocate for
Mr. Vikas Singh, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Rekha Rani under Section 24 read with Section 151 of the Code of Civil Procedure (for short, “C.P.C.”) seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the court of Additional Civil Judge (Senior Division), Ludhiana to the court of competent jurisdiction at Patiala.

The submissions made by learned counsel representing the petitioner have been heard.

It was submitted on behalf of the petitioner that she was married to the respondent on 26.06.2011 at Ludhiana as per Hindu rites and ceremonies. She was maltreated by the respondent and his family members and ultimately was thrown out of the matrimonial home. Thereafter, with the intervention of respectables an agreement dated 18.07.2013 was executed between the parties for dissolution of their marriage and since then they are residing separately. The respondent has now filed a petition under Section 9 of the Act of 1955, which is pending adjudication in the court of Additional Civil Judge (Senior Division), Ludhiana. Submitting that the petitioner has no independent source of income and is dependent on her parents, learned counsel sought transfer of the petition filed under Section 9 of the Act of 1955 pending before Additional Civil Judge (Senior Division), Ludhiana to District Court, Patiala.

The petitioner is presently residing with her parents at Patiala. The distance between Ludhiana and Patiala is about 90 kilometers. Travelling from one place to other will not only be inconvenient/difficult for the petitioner but will also be an additional financial burden on her. It has been held in *Sumitra Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396* and *Neelam Kanwar vs. Devinder Singh Kanwar, 2000(43) AIR 129* that convenience of the wife has to be taken into consideration in such like matters. In the light of aforesaid facts, I feel it shall be expedient and in the interest of justice that the petition pending at Ludhiana is transferred to Patiala.

Accordingly, the petition filed by the respondent under Section

9 of the Act of 1955 pending in the court of learned Additional Civil Judge (Senior Division), Ludhiana is withdrawn from the said court and is transferred to the court of competent jurisdiction at Patiala. The file shall be sent by the trial court to the court of District and Sessions Judge, Patiala within two weeks from the date of receipt of copy of this order, who will either keep the petition himself or will entrust the same to any other court of competent jurisdiction at Patiala.

The parties are directed to appear before the District Judge, Patiala on 28.09.2015.

(SNEH PRASHAR)
JUDGE

18.08.2015.
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