

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

**TA No.165 of 2014.**

**Date of Decision: 02.12.2015.**

Naresh Kumari

....Petitioner.

VERSUS

Onkar Chand

....Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Sandeep Arora, Advocate for the petitioner.

None for the respondent.

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**SNEH PRASHAR, J.**

Petitioner Smt. Naresh Kumari has filed this petition invoking the provisions of Section 24 of the Code of Civil Procedure 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, Gurdaspur to the Court of competent jurisdiction at Pathankot.

Despite the case having been called twice, none has appeared on behalf of the respondent. Same was the state of affair on the last date of hearing. The respondent is thus proceeded against exparte.

The submissions made by Mr. Sandeep Arora, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 13.05.2013 at Sujanpur, District Pathankot 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. She filed a complaint under the Protection of Women from Domestic Violence Act, 2005 and a complaint under Section 406/498-A of the Indian Penal Code against the respondent which are pending at Pathankot. A petition claiming maintenance under Section 125 of the Code of Criminal Procedure filed by the petitioner is also pending at Pathankot. 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, Gurdaspur. 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 Pathankot.

Presently, the petitioner is residing with her parents at Pathankot. Three cases arising out of the marital discord between the parties and filed by the petitioner are already pending at Pathankot. The distance between Pathankot and Gurdaspur is about 35 kilometers. The respondent must be attending the proceedings of the cases filed by the petitioner at Pathankot. For the petitioner being a lady and dependant on her parents, it will indeed be difficult to travel such a distance to attend the hearings before the Court at Gurdaspur. The expenses on 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, Gurdaspur is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Pathankot. The file shall be sent by the trial Court to the District and Sessions Judge, Pathankot 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 Pathankot.

The parties are directed to appear before the District Judge, Pathankot on 13.01.2016.

**(SNEH PRASHAR)**  
**JUDGE**

**02.12.2015.**  
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