

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

TA No.167 of 2014.

Date of Decision: 13.08.2015.

Ekta

....Petitioner.

VERSUS

Munish Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. P.S. Bajwa, Advocate for the petitioner.
Mr. Anjali Khosla, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Ekta 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 13 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the court of Additional District Judge, Bathinda to the court of competent jurisdiction at Ropar.

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

It emerges from the rival contentions of the parties that the marriage between the petitioner and the respondent was solemnized on 04.12.2011 in the presence of relatives of both the parties at Ropar and a son was born on 18.06.2013 at Ropar out of their wedlock and that because

of certain marital disputes between them they are since residing separately.

It was submitted on behalf of the petitioner that both, she as well as the respondent, were divorcee at the time of marriage. Her parents had spent huge amount as per the wishes and demands of the respondent and his family members. After lapse of sometime, she came to know that the respondent was having extra marital affair with his sister-in-law i.e. wife of his elder brother. She asked the respondent to mend his ways but he started maltreating her and ultimately threw her out of the matrimonial home and since then she is living at the mercy of her parents.

It was further submitted by learned counsel for the petitioner that distance between Ropar and Bathinda is about 200 kilometers. The petitioner cannot travel such long distance as she has to take care of a minor son. No money is being paid by the respondent to the petitioner for her maintenance and for that reason as well it is extremely difficult for her to bear the travelling expenses etc. Three cases one under Section 125 of the Code of Criminal Procedure, second under Protection of Women from Domestic Violence Act, 2005 and the third under Section 406 and 498-A of the Indian Penal Code are already pending at Ropar.

Admittedly, petitioner is presently residing with her parents at Ropar. The distance from Bathinda to Ropar is approximately 200 kilometers and it is undoubtedly inconvenient/difficult for the petitioner to travel all the way from Ropar to Bathinda to attend the court proceedings with a minor child. Also the travelling expenses will be an extra financial burden on the petitioner. 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.

Considering the aforesaid facts and circumstances and in the interest of justice, the petition filed by the respondent under Section 13 of the Act of 1955 pending in the court of Additional District Judge, Bathinda is withdrawn from the said court and is transferred to the court of competent jurisdiction at Ropar. The file shall be sent by the trial court to the court of District Judge, Ropar 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 Ropar.

The parties are directed to appear before the District Judge, Ropar on 16.09.2015.

(SNEH PRASHAR)
JUDGE

13.08.2015.

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