

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

TA No.179 of 2014.

Date of Decision: 20.11.2015.

Kamalpreet Kaur

....Petitioner.

VERSUS

Kamalpreet Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Kamalpreet Kaur-wife 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 learned Additional District Judge, Moga to the Court of competent jurisdiction at Amritsar.

Notice issued to the respondent again received back unserved with the report that his brother told that the respondent has gone abroad. It seems that the respondent is intentionally avoiding service.

The submissions made by Mr. G.S. Sandhu, learned counsel appearing for petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 01.02.2013 as per Sikh rites and rituals. 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 since 31.04.2013 is residing with her parents. 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, Moga. 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.

Admittedly, the petitioner is residing with her parents at Amritsar. The distance between Amritsar and Moga is about 120 kilometers. As reported on the summons by the brother of the respondent, he has gone abroad which means he himself is also not residing at Moga. It will indeed be difficult for the petitioner to attend the hearings before the Court by travelling such long distance 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, Moga 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 07.01.2016.

(SNEH PRASHAR)
JUDGE

20.11.2015.
jitender