

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

TA No.205 of 2014.

Date of Decision: 21.09.2015.

Shweta Luthra

....Petitioner.

VERSUS

Manish Luthra

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amit Jaswal, Advocate for the petitioner.

Mr. Amit Singla, Advocate for the respondent.

SNEH PRASHAR, J.

This petition was filed by Smt. Shweta Luthra-wife under Section 24 of the Code of Civil Procedure 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 District Judge (Family Court), Hisar to the Court of competent jurisdiction at Ambala.

The submissions made by Mr. Amit Jaswal, learned counsel representing the petitioner and Mr. Amit Singla, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 26.07.2009 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and under forced circumstances was brought to her

parental home by her father on 17.10.2013 and since then is residing with her parents. A male child was born out of the wedlock on 18.01.2014. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent which is pending at Ambala. Respondent has since instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of District Judge (Family Court), Hisar. Submitting that the petitioner is a housewife and has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition from Hisar to Ambala.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she herself has withdrawn from his conjugal company without any reasonable cause.

Presently, the petitioner alongwith her minor child is residing with her parents at Ambala. One case arising out of the marital discord between the parties is already pending at Ambala. The distance between Ambala and Hisar is about 200 kilometers. It will indeed be difficult for the petitioner to attend the hearings before the Court by travelling such a long distance alongwith the minor child 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 9 of the Act of 1955 pending in the Court of learned District Judge (Family Court), Hisar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Ambala. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Ambala 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 Ambala.

The parties are directed to appear before the District Judge, Ambala on 28.10.2015.

(SNEH PRASHAR)
JUDGE

21.09.2015.
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