

TA-210-2014

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

TA-210-2014

Date of decision: 2.9.2015

Sunita Rani

...Applicant

Versus

Pardeep Beniwal

...Respondent

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

Present: Mr.RS Mamli, Advocate for the applicant  
Mr.Saurabh Dalal, Advocate for the respondent

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**SNEH PRASHAR, J.**

This is a petition by applicant -wife under Section 24 of the Code of Civil Procedure (for short ' CPC') seeking transfer of petition titled as “Pardeep Beniwal vs. Sunita Rani ” filed under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') by respondent-husband from the court of learned District Judge, Rohtak to the court of competent jurisdiction at Fatehabad.

Heard the arguments made by Mr.RS Mamli, Counsel for the applicant and Mr.Saurabh Dalal, Advocate for the respondent.

As intimated by learned counsels, the parties did not comply with the settlement arrived at between them on 13.8.2015.

It is submitted by learned counsel for the applicant that

as per the settlement the respondent was to come to Fatehabad alongwith his father for taking the applicant and the child but although, the applicant kept waiting none of them turned up. It is further submitted by him that the applicant was married to the respondent on 10.8.2011 and out of the said wedlock, a female child was born on 14.6.2013. After marriage, she was harassed and maltreated for bringing more dowry by the respondent and his family members and was thrown out of the matrimonial home. Since, the day she was made to leave, she is residing with her parents at Fatehabad. She has already filed a complaint under the Protection of Women from Domestic Violence Act at Fatehabad.

Submitting that the applicant is having no source of income, and is saddled with the responsibility of a minor child, learned counsel prayed for transfer of the petition filed under Section 13 of the Act from the Court of learned District Judge, Rohtak to Districts Court, Fatehabad.

On the other hand, learned counsel for the respondent-husband resisted the prayer of the applicant on the ground that the respondent being 100% disabled is not in a position to move from Rohtak to Fatehabad. Although, he had tried to contact the applicant for bringing her but she imposed some conditions, which he was unable to fulfill and for that reason he did not go to bring her.

It is well settled principle of law that convenience of the wife is to be seen in the matters filed by the husband against the wife as held by the Hon'ble Supreme Court in the cases of **Sumita Singh vs. Kumar Sanjay and another, AIR 2002 SC 396, Neelam Kanwar vs Devinder Singh Kanwar, 2001(1) M.L.J. 509 (SC), and Mangla Patil Kale vs. Sanjeev Kumar (2003) 10 SCC 280.**

In the present case, admittedly the applicant alongwith her minor child is presently residing with her parents at Fatehabad. She has already filed a petition under the Protection of Women from Domestic Violence Act against the respondent and his family members at Fatehabad. She is having no source of income and saddled with the responsibility of raising her minor child. In a dispute between the husband and the wife, normally the wife is at the receiving end. It would be very difficulty for the applicant to travel from Fatehabad to Rohtak alongwith her minor child and the expenses for travelling will also be an additional financial burden on her. The respondent may be disabled but he could not deny the contention of the applicant that he can drive a car and is not dependent on anyone.

In the above premises, the instant transfer application is allowed. Petition under Section 13 of the Act titled as “Pardeep Beniwal vs. Sunita Rani” is withdrawn from the Court of learned District Judge, Rohtak and is transferred to the court of competent

jurisdiction at Fatehabad. The complete record pertaining to the case in question shall be sent by the trial Court at Rohtak to the learned District Judge, Fatehabad, within two weeks from the date of receipt of a copy of this Order. The learned District Judge, Fatehabad will either keep the petition himself/ herself or entrust it to any Court of competent jurisdiction at Fatehabad.

The parties shall appear before the Court of District Judge, Fatehabad on 28.9.2015.

2.9.2015  
gsv

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