

TA-231-2014

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

TA-231-2014

Date of decision:9.9.2015

Mukta Dhiman

...Applicant

Versus

Surender Devgan @ Sonu

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Devinder Lubana, Advocate for the applicant

Respondent already proceeded against ex-parte vide
order dated 28.4.2015

SNEH PRASHAR, J.

This is an application by applicant-wife under Section 24 of the Code of Civil Procedure seeking transfer of petition under Section 13 of the Hindu Marriage Act (for short 'the Act') titled as "Surender Kumar vs. Mukta" filed by respondent-husband from the court of learned Additional District Judge, Yamunanagar to the court of competent jurisdiction at Chandigarh.

The submissions made by learned counsel for the applicant-wife have been heard.

It is submitted on behalf of applicant that having faced the cruelty and harassment at the hands of respondent-husband and his family members, the petitioner filed a complaint before the Senior

Superintendent of Police, Chandigarh, which is still pending. As a counter blast to the same, the respondent -husband filed a petition under Section 13 of the Act at Yamunanagar. She is having a minor daughter and is residing at Chandigarh and it is difficult for her to travel to Yamunanagar to defend the petition.

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 is presently residing with her parents at Chandigarh. A complaint filed by her against the respondent and his family members is already pending at Chandigarh. She is having no source of income and saddled with the responsibility of raising her minor daughter. 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 Chandigarh to Yamunanagar alongwith the minor daughter and the expenses for travelling will also be an additional financial burden on her.

In the above premises, the instant transfer application is allowed. Petition under Section 13 of the Act titled as “Surender Kumar vs. Mukta” is withdrawn from the Court of learned Additional District Judge, Yamunanagar at Jagadhri and is transferred to the court of

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

The parties shall appear before the Court of District Judge, Chandigarh on 6.10.2015.

9.9.2015
gsv

(SNEH PRASHAR)
JUDGE