

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

TA No.232 of 2014.

Date of Decision: 13.08.2015.

Kavita SharmaPetitioner.

VERSUS

Kamalpreet KaliaRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. J.S. Lalli, Advocate for the petitioner.

Mr. Suvir Kumar, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Kavita Sharma under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 10 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the court of Additional District Judge, Ludhiana to the court of competent jurisdiction at Chandigarh.

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

From the rival contention of the parties, it transpires that the marriage between the petitioner and the respondent was solemnized on 12.05.2013 at Ludhiana as per Hindu rites and ceremonies. It was submitted on behalf of the petitioner that after sometime of marriage, certain differences arose between the parties and the petitioner was forcibly thrown out of the matrimonial home on 28.08.2013 and since then she is residing with her parents at Zirakpur.

It was further submitted on behalf of the petitioner that a child, namely, Paras born on 23.01.2014 out of her wedlock with the respondent is being taken care of by her. She is living with her mother and is a house wife. She has no independent source of income and is unable to bear the travelling expenses. Otherwise also, it is difficult for her to travel with the child from Zirakpur to Ludhiana where the petition under Section 10 of the Act of 1955 filed by the respondent is pending.

Admittedly, petitioner is presently residing with her mother at Zirakpur, Chandigarh. She has a small child dependent on her. It will undoubtedly be inconvenient/difficult for her to travel alongwith the child from Chandigarh to Ludhiana to attend the court proceedings. 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.

Accordingly, the petition filed by the respondent under Section 10 of the Act of 1955 pending in the court of Additional District Judge,

Ludhiana is withdrawn from the said court and is transferred to the court of competent jurisdiction at Chandigarh. The file shall be sent by the trial court to the court of District and Sessions Judge, Chandigarh 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 competent court of jurisdiction at Chandigarh.

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

(SNEH PRASHAR)
JUDGE

13.08.2015.
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