

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

**TA No.26 of 2014.**

**Date of Decision: 20.10.2015.**

Gurdeep Kaur @ Seema

....Petitioner.

**VERSUS**

Rakesh

....Respondent.

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

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**Present:** Mr. Kamal Grover, Advocate for the petitioner.

Mr. N.K. Malhotra, Advocate for the respondent.

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**SNEH PRASHAR, J.**

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Gurdeep Kaur @ Seema-wife seeking transfer of the petition filed by her under Section 13(1)(1A)(1B) and under Section 24 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) from the Court of District Judge (Family Court), Faridabad to the Court of competent jurisdiction at Chandigarh.

The submissions made by Mr. Kamal Grover, learned counsel representing the petitioner and Mr. N.K. Malhotra, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 13.12.1998 as per Sikh rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his

family members and ultimately on 20.06.2010 was turned out of the matrimonial home and since then is residing with her relatives at Faridabad. A male child was born out of the wedlock. She filed a petition under Section 13(1)(1A)(1B) and an application under Section 24 of the Act of 1955 which is pending in the Court of learned District Judge (Family Court), Faridabad. She has now shifted to Chandigarh to look for a good job for survival. Submitting that she is suffering from back pain and the distance between Faridabad and Chandigarh is about 280 kilometers and it is difficult for her to take up long journey, learned counsel sought transfer of the petition from Faridabad to Chandigarh.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that she had left the conjugal company of the respondent of her own volition and enjoys good health. She had herself filed the petition at Faridabad and it cannot be transferred from one place to other if she opts to shift her residence so frequently.

As submitted by the petitioner, she is presently residing with her relatives at Chandigarh. She has shifted from Faridabad to settle at Chandigarh. The distance between Faridabad and Chandigarh is about 180 kilometers. No doubt the petition had been filed by the petitioner at Faridabad but now when she is residing at Chandigarh, it will be difficult for her to attend the hearings before the Court at Faridabad 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. It needs to be mentioned that despite repeated directions to the respondent, he did not appear in person to participate in mediation proceedings referred to by this Court.

Accordingly, considering the facts discussed above, the petition filed by the petitioner under Section 13(1)(1A)(1B) and under Section 24 of the Act of 1955 pending in the Court of learned District Judge (Family Court), Faridabad 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/ herself or will entrust the same to any other Court of competent jurisdiction at Chandigarh.

The parties are directed to appear before the District Judge, Chandigarh on 27.11.2015.

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

**20.10.2015.**  
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