

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

**TA No.269 of 2014 (O&M).**

**Date of Decision: 26.11.2015.**

Kavita

....Petitioner.

**VERSUS**

Sachin Goel

....Respondent.

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

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**Present:** Mr. J.S. Hooda, Advocate for the petitioner.

Mr. K.S. Jaitley, Advocate for the respondent.

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**SNEH PRASHAR, J.**

Invoking the provisions of Section 24 of the Code of Civil Procedure petitioner-wife Smt. Kavita seeks transfer of the divorce petition filed under the provisions of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of District Judge, Family Court, Ambala to the Court of competent jurisdiction at Panchkula.

The submissions made by Mr. J.S. Hooda, learned counsel representing the petitioner and Mr. K.S. Jaitley, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 22.02.2004. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately

was thrown out of the matrimonial home and is since residing with her mother at Panchkula. Two children born out of the wedlock are in her care and custody. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure which is pending at Panchkula. Respondent has since instituted a petition under Section 13 of the Act of 1955, which is pending adjudication before District Judge, Family Court, Ambala. Submitting that the petitioner alongwith her minor children is residing at the mercy of her mother, learned counsel sought transfer of the petition to Panchkula.

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 for travelling from one place to another.

Admittedly, the petitioner alongwith her minor children is residing with her mother at Panchkula. One case arising out of marital discord between the parties is already pending at Panchkula. The distance between Ambala and Panchkula is about 40 kilometers. The petitioner has two minor children, so it will be indeed difficult for her to attend the hearings before the Court at Ambala. Not only travelling with minor children is hazardous, 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 13 of the Act of 1955 pending in the Court of learned District Judge Family Court, Ambala is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Panchkula. The file shall be sent by the trial Court to the District and Sessions Judge, Panchkula 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 Panchkula.

The parties are directed to appear before the District Judge, Panchkula on 08.01.2016.

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

**26.11.2015.**  
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