

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

TA No.314 of 2014.

Date of Decision: 29.10.2015.

Chetna Rani

....Petitioner.

VERSUS

Mohni Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Jatinder Saini, Advocate for the petitioner.
Mr. P.K.S. Phoolka, Advocate for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 read with Section 151 of the Code of Civil Procedure was filed by Smt. Chetna Rani-wife seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of learned Civil Judge (Senior Division), Bathinda to the Court of competent jurisdiction at Hisar.

The submissions made by Mr. Jatinder Saini, learned counsel representing the petitioner and Mr. P.K.S. Phoolka, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 24.06.2012 as per Hindu rites and ceremonies. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 25.02.2014 was forced to leave the

matrimonial home and since then is residing with her parents. A male child born out of the wedlock is in custody of the petitioner. Having faced cruelties at the hands of the respondent and his family members, she lodged a complaint with the police on which First Information Report no.308 dated 17.04.2014 under Section 498-A/406/323/506/34 of the Indian Penal Code was registered against the respondent and his family members at Police Station City, Hisar. She has also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent which is also pending at Hisar whereas the respondent has instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of Civil Judge (Senior Division), Bathinda. Submitting that the petitioner alongwith her minor child is residing with her parents at Hisar and the distance between Hisar and Bathinda is about 180 kilometers, learned counsel sought transfer of the petition to Hisar.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she has herself withdrawn from his conjugal company without any reasonable cause.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Hisar. Two cases arising out of the marital discord between the parties are already pending at Hisar. The distance between Hisar and Bathinda is about 180 kilometers. Travelling such long distance to attend the hearings before the Court that too alongwith the minor child will certainly be difficult for the petitioner 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.

Accordingly, considering the facts discussed above, the petition filed by the respondent under Section 9 of the Act of 1955 pending in the Court of learned Civil Judge (Senior Division), Bathinda is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Hisar. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Hisar 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 Hisar.

The parties are directed to appear before the District Judge, Hisar on 03.12.2015.

(SNEH PRASHAR)
JUDGE

29.10.2015.
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