

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

TA No.320 of 2014.

Date of Decision: 03.09.2015.

Sarabjit Kaur

....Petitioner.

VERSUS

Daljit Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sarbjit Singh, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

This is a petition by the petitioner-wife under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the Court of Additional District Judge, Jalandhar to the Court of competent jurisdiction at Amritsar.

Despite notice of the petition sent to the respondent which received back duly served, he did not opt to appear and contest the same.

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

It was submitted on behalf of the petitioner that she was married to the respondent on 07.04.1996 according to Sikh rites at Amritsar and a son was born out of the wedlock. After marriage, she was being treated with cruelty by the respondent-husband and his family members and ultimately on 01.11.2012 she was turned out of the matrimonial home and since then is residing with her parents at Amritsar. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Jalandhar. She is a poor lady and has no independent source of income and that it is difficult for her to travel with the small child from Jalandhar to District Courts Amritsar to defend the petition.

The petitioner alongwith her minor child is presently residing with her parents at Amritsar. The distance between Amritsar and Jalandhar is about 85 kilometers and it will indeed be difficult for the petitioner to travel with her small child. 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, in view of the facts discussed above, the petition filed by the respondent under Section 13 of the Act of 1955 pending in the

Court of learned Additional District Judge, Jalandhar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Amritsar. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Amritsar 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 Amritsar.

The parties are directed to appear before the District Judge, Amritsar on 29.09.2015.

(SNEH PRASHAR)
JUDGE

03.09.2015.
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