

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

**TA No.350 of 2014 (O&M).**  
**Date of Decision: 14.08.2015.**

|                 |        |                 |
|-----------------|--------|-----------------|
| Rajinder Kaur   |        | ....Petitioner. |
|                 | VERSUS |                 |
| Gagandeep Singh |        | ....Respondent. |
|                 | ***    |                 |

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

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**Present:** Mr. Ritesh Pandey, Advocate for the petitioner.

Respondent proceeded exparte vide order dated 20.01.2015.

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**SNEH PRASHAR, J.**

This is a petition by wife-petitioner Smt. Rajinder Kaur 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, Pathankot to the court of competent jurisdiction at Gurdaspur.

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

The submissions made by the petitioner reveals that the marriage between the petitioner and the respondent was solemnized on 18.11.2011 as per Sikh rites. According to the petitioner, she was being

treated with cruelty by the respondent-husband and his family members and was turned out of the matrimonial home on 16.09.2013. Since then she is residing with her parents at Aujla, District Gurdaspur.

It was submitted on behalf of the petitioner that she has filed a petition for maintenance under Section 125 of the Code of Criminal Procedure (for short, "Cr.P.C.") at Gurdaspur. 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, Pathankot.

Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents and that three cases of dowry, maintenance and domestic violence are pending at Gurdaspur, learned counsel sought transfer of the petition filed under Section 13 of the Act of 1955 pending before Additional District Judge, Pathankot to District Court, Gurdaspur.

Respondent did not appear despite service and thus he was proceeded against exparte vide order dated 20.01.2015.

The petitioner is presently residing with her parents at Gurdaspur. Three cases arising out of marital dispute between the parties are already pending at Gurdaspur. The petitioner fears threat precept in travelling alone to Pathankot. The expenses for travelling will also be an additional financial burden on her. It will undoubtedly be inconvenient/difficult for her to travel from Gurdaspur to Pathankot 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 13 of the Act of 1955 pending in the court of learned Additional District Judge, Pathankot is withdrawn from the said court and is transferred to the court of competent jurisdiction at Gurdaspur. The file shall be sent by the trial court to the court of District and Sessions Judge, Gurdaspur within one week 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 Gurdaspur.

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

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

**14.08.2015.**  
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