

TA-375-2014

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

TA-375-2014

Date of decision: 16.9.2015

Smt. Veena

...Petitioner

Versus

Rakesh Kumar

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Chirag Wadhwa, Advocate for
Mr.Parminder Singh, Advocate for the petitioner

Respondent has already been proceeded against ex-parte
vide order dated 29.5.2015.

SNEH PRASHAR, J.

This is a petition by the petitioner -wife under Section 24 of the Code of Civil Procedure seeking transfer of petition under Section 13 of the Hindu Marriage Act (for short 'the Act') titled as "Rakesh Kumar vs. Smt. Veena" filed by respondent-husband from the court of learned District Judge (Family Court), Ambala to the court of competent jurisdiction at Karnal.

The submissions made by learned counsel for the petitioner -wife have been heard.

It is submitted on behalf of the petitioner that the marriage between the parties was solmenized on 7.2.2009 as per Hindu rites and

ceremonies. Out of the wedlock two children were born. After having faced the cruelty and harassment at the hands of respondent-husband and his family members, the petitioner filed a complaint before the Women Cell, Karnal, which is still pending. As a counter blast to the same, the respondent -husband filed a petition under Section 13 of the Act at Ambala. She alongwith the children is residing at Karnal with her parents and it is difficult for her to travel to Ambala to defend the petition filed by the respondent-husband.

It is well settled principle of law that convenience of the wife is to be seen in the matters filed by the husband against the wife as held by the Hon'ble Supreme Court in the cases of **Sumita Singh vs. Kumar Sanjay and another, AIR 2002 SC 396, Neelam Kanwar vs Devinder Singh Kanwar, 2001(1) M.L.J. 509 (SC), and Mangla Patil Kale vs. Sanjeev Kumar (2003) 10 SCC 280.**

In the present case, due to the marital discord, the petitioner is stated to be residing with her parents at Karnal. A complaint filed by her against the respondent and his family members is already pending at Karnal. She is having no source of income and saddled with the responsibility of raising her two minor children. In a dispute between the husband and the wife, normally the wife is at the receiving end. It would indeed be very difficult for the petitioner to travel from Karnal to Ambala alongwith the minor children and the expenses for travelling will also be an additional financial burden on her.

In the above premises, the instant transfer application is

allowed. Petition under Section 13 of the Act titled as “Rakesh Kumar vs. Smt. Veena” is withdrawn from the Court of learned District Judge (Family Court), Ambala and is transferred to the court of competent jurisdiction at Karnal. Learned District & Sessions Judge, Karnal will either keep the petition himself/ herself or entrust it to any Court of competent jurisdiction at Karnal. The complete record pertaining to the case in question shall be sent by the trial Court at Ambala to the learned District & Sessions Judge, Karnal, within two weeks from the date of receipt of a copy of this order.

The parties shall appear before the Court of District & Sessions Judge, Karnal on 29.10.2015.

16.9.2015
gsv

(SNEH PRASHAR)
JUDGE