

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

TA No.409 of 2014.

Date of Decision: 14.08.2015.

Priya Garg

....Petitioner.

VERSUS

Deepak Garg

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Ms. Divya Sharma, Advocate for the petitioner.

Ms. Payel Mehta, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Priya under Section 24 read with Section 151 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Sections 13 and 12 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the court of Additional District Judge, S.A.S. Nagar, Mohali to the court of competent jurisdiction at Hisar.

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

From the submissions made by the petitioner, it transpires that the marriage between the petitioner and the respondent was solemnized on

18.05.2013 as per Hindu rites and ceremonies at Zirakpur. No child was born out of the wedlock. The petitioner was facing cruelty at the hands of respondent and his family members and ultimately on 16.11.2013 she was abandoned at Barwala and since then she is residing with her parents at Hansi.

It was submitted on behalf of the petitioner that having faced cruelty at the hands of the respondent and his family members, the petitioner was constrained to file a petition under Protection of Women from Domestic Violence Act, 2005 at Hansi. She also filed a criminal complaint under Sections 498-A/406/323/34/120-B/511 of the Indian Penal Code against the respondent and his family members. Respondent has since filed a petition under Section 13(1)(i-a)(i-b) read with Section 12(c) of the Act of 1955, which is pending adjudication in the court of Additional District Judge, S.A.S. Nagar, Mohali. Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition filed under Section 13 and 12 of the Act of 1955 pending before Additional District Judge, S.A.S. Nagar, Mohali to District Court, Hisar.

Resisting the prayer of the petitioner, learned counsel for the respondent submitted that the petitioner had herself left the matrimonial home and the allegations levelled in her petition are false.

Admittedly, the petitioner is presently residing with her parents at Hansi, District Hisar. Two criminal complaints filed by her are already pending at Hansi, District Hisar. She fears threat precept in travelling alone

to S.A.S. Nagar, Mohali. The distance between Hansi and S.A.S. Nagar, Mohali is about 230 kilometers. The expenses for travelling will also be an additional financial burden on her. 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. In view of facts aforesaid, it will certainly be difficult for the petitioner to defend the petition filed by the respondent at S.A.S. Nagar, Mohali.

Accordingly, the petition filed by the respondent under Section 13 and 12 of the Act of 1955 pending in the court of learned Additional District Judge, S.A.S. Nagar, Mohali 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 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 Hisar.

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

(SNEH PRASHAR)
JUDGE

14.08.2015.
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