

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

TA No.417 of 2014 (O&M).

Date of Decision: 31.08.2015.

Shveta Gupta @ Shveta

....Petitioner.

VERSUS

Anil Kumar Gupta

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Ravi Gupta, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Shveta Gupta @ Shveta under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") 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 Additional Civil Judge (Senior Division), Panchkula to the court of competent jurisdiction at Kaithal.

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

It is submitted on behalf of the petitioner that she was married to the respondent on 30.01.2012 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 was turned out of the matrimonial home on 20.10.2013 and since then is residing with her parents at Kaithal. Having faced the cruelty at the hands of the respondent and his family members, the petitioner was constrained to file a complaint against the respondent and his family members and a case bearing First Information Report No.160 dated 26.05.2014 under Sections 406, 498-A and 506 of the Indian Penal Code was registered at Police Station City, Kaithal. Respondent has since filed a petition under Section 9 of the Act of 1955, which is pending adjudication in the court of Additional Civil Judge (Senior Division), Panchkula.

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 9 of the Act of 1955 pending before Additional Civil Judge (Senior Division), Panchkula to District Courts, Kaithal.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that the petitioner had left the conjugal company of the respondent of her own volition and she enjoys good health for travelling from one place to other.

Admittedly, the petitioner alongwith her minor child is presently residing with her parents at Kaithal. The distance between Panchkula and Kaithal is about 125 kilometers. It will indeed be difficult for the petitioner to travel with the child 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, in view of the facts discussed above, the petition filed by the respondent under Section 9 of the Act of 1955 pending in the court of learned Additional Civil Judge (Senior Division), Panchkula is withdrawn from the said court and is transferred to the court of competent jurisdiction at Kaithal. The file shall be sent by the trial court to the court of District and Sessions Judge, Kaithal 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 competent court of jurisdiction at Kaithal.

The parties are directed to appear before the District Judge, Kaithal on 28.09.2015.

(SNEH PRASHAR)
JUDGE

31.08.2015.
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