

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

TA No.426 of 2014 (O&M).
Date of Decision: 31.08.2015.

Priyam Bedi

....Petitioner.

VERSUS

Amit Bedi

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. K.S. Dhillon, Advocate for the petitioner.

Mr. R.K. Arora, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Priyam Bedi 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 Civil Judge (Senior Division), Hoshiarpur to the court of competent jurisdiction at Kapurthala.

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 16.01.2012 at Kapurthala 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 forced to leave the matrimonial home on 13.09.2013 and since then is residing with her parents at Kapurthala. Having faced the cruelty at the hands of the respondent and his family members, the petitioner was constrained to file a complaint under Protection of Women from Domestic Violence Act, which later was withdrawn as the respondent assured to keep her properly. A petition under Section 125 of the Code of Criminal Procedure was also filed. Respondent has since filed a petition under Section 9 of the Act of 1955, which is pending adjudication in the court of Civil Judge (Senior Division), Hoshiarpur.

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 Civil Judge (Senior Division), Hoshiarpur to District Courts, Kapurthala.

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 enjoys good health for travelling from one place to other.

Admittedly, the petitioner alongwith her minor child is presently residing with her parents at Kapurthala. The distance between Hoshiarpur and Kapurthala is about 60 kilometers. The petitioner has a small child and no independent source of income. It will be indeed difficult for her 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 Civil Judge (Senior Division), Hoshiarpur is withdrawn from the said court and is transferred to the court of competent jurisdiction at Kapurthala. The file shall be sent by the trial court to the court of District and Sessions Judge, Kapurthala 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 Kapurthala.

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

(SNEH PRASHAR)
JUDGE

31.08.2015.
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