

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

**TA No.439 of 2014 (O&M).**

**Date of Decision: 13.08.2015.**

Sunita

....Petitioner.

VERSUS

Vikas

....Respondent.

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

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**Present:** Mr. Navneet Singh, Advocate for the petitioner.

Mr. Ankush Chaudhary, Advocate for  
Mr. Kunal Dawar, Advocate for the respondent.

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**SNEH PRASHAR, J.**

This is a petition by wife-petitioner Smt. Sunita under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 11 and 12 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the court of Additional District Judge, Palwal to the court of competent jurisdiction at Gurgaon.

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

It was submitted on behalf of the petitioner that she was

married to the respondent on 12.02.2013 at Gurgaon as per Hindu rites and ceremonies. On account of marital discord between the parties she is living at her parental home at the mercy of her poor mother. She is mentally disturbed and has no independent source of income. Her brother is also residing separately from her parents.

It was further submitted on behalf of the petitioner that three cases one complaint filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005; second a petition under Section 125 Cr.P.C. for claiming maintenance from the respondent; and the third First Information Report No.173 dated 19.04.2014 under Section 498A/323/354/506 of the Indian Penal Code registered on her complaint are pending between the parties at Gurgaon. Moreso, due to financial constraints it is difficult for her to travel from Gurgaon to Palwal where the petition under Section 11 and 12 of the Act of 1955 filed by the respondent is pending.

Admittedly, petitioner is presently residing with her mother in a village situated in District Gurgaon. Three cases arising out of the marital dispute are already pending between the parties at Gurgaon. It will undoubtedly be inconvenient/difficult for the petitioner to travel all the way from village Kadarapur to Palwal to attend the court proceedings. There is nothing to indicate that she has any independent source of income. Because of the financial constraints expenditure on travelling etc. will also be an additional 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.

Accordingly, the petition filed by the respondent under Section 11 and 12 of the Act of 1955 pending in the court of Additional District Judge, Pawal is withdrawn from the said court and is transferred to the court of competent jurisdiction at Gurgaon. The file shall be sent by the trial court to the court of District and Sessions Judge, Gurgaon within two weeks 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 court of competent jurisdiction at Gurgaon.

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

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

**13.08.2015.**  
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