

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

TA No.449 of 2014.

Date of Decision: 19.10.2015.

Mamta Rani

....Petitioner.

VERSUS

Bhushan

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Naveen Dahiya, Advocate for
Mr. Shalender Mohan, Advocate for the respondent.

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure was filed by Smt. Mamta Rani-wife seeking transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of Additional District Judge, Sirsa to the Court of competent jurisdiction at Hisar.

The submissions made by Mr. Vivek Khatri, learned counsel representing the petitioner and Mr. Naveen Dahiya, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 09.03.2011. No issue was born out of the wedlock. After marriage, she was treated with cruelty by the respondent-husband and his family members and was ultimately thrown out of the matrimonial home and is since residing with her parents. She filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act (for short, “D.V. Act”) against the respondent and his family members which is pending at Hansi, District Hisar. A civil suit titled “Bhushan and others vs. Smt. Mamta and others” has also been filed by respondent Bhushan and others which is also pending at Hansi, District Hisar. Now, the respondent has instituted a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Sirsa. Submitting that the petitioner has no source of income and the distance between Sirsa and Hisar is about 150 kilometers, learned counsel sought transfer of the petition from Sirsa to Hisar.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that she 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 is residing with her parents at Hansi, District Hisar. Two cases arising out of the marital discord between the parties, one filed by the respondent himself, are already pending at Hansi, District Hisar. The distance between Hisar and Sirsa is about 150 kilometers. It will, indeed, be difficult for the petitioner to attend the

hearings before the Court by travelling such a long distance 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, considering the facts discussed above, the petition filed by the respondent under Section 13 of the Act of 1955 pending in the Court of learned Additional District Judge, Sirsa 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 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 Court of competent jurisdiction at Hisar.

The parties are directed to appear before the District Judge, Hisar on 27.11.2015.

(SNEH PRASHAR)
JUDGE

19.10.2015.
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