

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

TA No.451 of 2014.

Date of Decision: 15.09.2015.

Seema Rani

....Petitioner.

VERSUS

Rajinder Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Ms. Harmeet Kaur Sidhu, Advocate for the petitioner.

Respondent Rajinder Kumar in person with
Mr. D.K. Raheja, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by petitioner-wife Smt. Seema Rani under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") 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 learned District Judge, Ludhiana to the Court of competent jurisdiction at Bathinda.

The submissions made by Ms. Harmeet Kaur Sidhu, learned counsel representing the petitioner and Mr. D.K. Raheja, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 06.03.2003 as per Hindu rites and ceremonies at

Patiala. After marriage, she was being treated with cruelty by the respondent-husband and his family members and ultimately was turned out of the matrimonial home and is residing with her parents. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of learned District Judge, Ludhiana. 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 from Ludhiana to Bathinda.

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 and another.

Admittedly, the petitioner alongwith her minor daughter is residing with her parents at Bathinda. The distance between Bathinda and Ludhiana is about 115 kilometers. It will indeed be difficult for the petitioner to travel such long distance with the minor child for attending the Court hearings 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 District Judge, Ludhiana is withdrawn from

the said Court and is transferred to the Court of competent jurisdiction at Bathinda. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Bathinda 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 Bathinda.

The parties are directed to appear before the District Judge, Bathinda on 12.10.2015.

(SNEH PRASHAR)
JUDGE

15.09.2015.
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