

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

TA No.486 of 2014.

Date of Decision: 09.10.2015.

Annu Yadav

....Petitioner.

VERSUS

Sandeep Yadav

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.
Mr. Gaurav Gaur, Advocate for the respondent.

SNEH PRASHAR, J.

This application under Section 24 read with Section 151 of the Code of Civil Procedure was filed by Smt. Annu Yadav-wife 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 learned District Judge (Family Court), Sonapat to the Court of competent jurisdiction at Panchkula.

The submissions made by Mr. Vipul Aggarwal, learned counsel representing the petitioner and Mr. Gaurav Gaur, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 05.05.2011 as per Hindu rites and ceremonies. 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 since then is residing with her parents. A male child born out of the wedlock is in custody of the petitioner. She has filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent which is pending at Panchkula whereas the respondent has instituted a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of District Judge (Family Court), Sonapat. Submitting that the petitioner is working at Panchkula and she alongwith her minor child is residing there with her parents, learned counsel sought transfer of the petition to Panchkula.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she has herself withdrawn from his conjugal company without any reasonable cause.

Admittedly, the petitioner alongwith her minor child is residing with her parents at Panchkula. One case arising out of the marital discord between the parties is already pending at Panchkula. The distance between Panchkula and Sonapat is about 200 kilometers. Travelling such long distance to attend the hearings before the Court that too alongwith the minor child will certainly be difficult for the petitioner 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 9 of the Act of 1955 pending in the Court of learned District Judge (Family Court), Sonapat is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Panchkula. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Panchkula 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 Panchkula.

The parties are directed to appear before the District Judge, Panchkula on 26.11.2015.

(SNEH PRASHAR)
JUDGE

09.10.2015.
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