

TA-49-2014

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

TA-49-2014

Date of decision:17.9.2015

Jagpal Kaur

...Petitioner

Versus

Paramjit Singh

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.RK Chauhan, Advocate for the applicant

None for the respondent

SNEH PRASHAR, J.

This is a petition by applicant-wife under Section 24 of the Code of Civil Procedure seeking transfer of petition under Section 9 of the Hindu Marriage Act (for short 'the Act') titled as "Paramjit Singh vs. Jagpal Kaur" filed by respondent-husband from the court of learned Civil Judge (Sr.Divn.), Sangrur to the court of competent jurisdiction at Mohali.

The submissions made by learned counsel for the applicant-wife have been heard.

Despite service, none has appeared on behalf of the respondent. He is proceeded against ex-parte.

It is submitted by learned counsel for the petitioner that

the marriage between the parties was solemnized on 2.11.21997 according to Sikh rites. Out of the wedlock, a male child was born on 15.9.1998. The petitioner was maltreated and harassed by the respondent-husband and his family members and ultimately in the year 2008, she was thrown out of the matrimonial home. She filed a petition under Section 125 of the Code of Criminal Procedure against the respondent for grant of maintenance pendente lite, which is pending at SAS Nagar (Mohali). The minor son is being taken care of by her. The distance between SAS Nagar (Mohali) and Sangrur is approximately 140 Kms and it is very inconvenient for the petitioner to travel such a long distance alongwith the minor son to defend the petition filed by the respondent-husband.

The settled principle of law is that convenience of the wife is to be seen in the matters filed by the husband against the wife as held by the Hon'ble Supreme Court in the cases of **Sumita Singh vs. Kumar Sanjay and another, AIR 2002 SC 396, Neelam Kanwar vs Devinder Singh Kanwar, 2001(1) M.L.J. 509 (SC), and Mangla Patil Kale vs. Sanjeev Kumar (2003) 10 SCC 280.**

In the instant case, because of marital discord, the petitioner is stated to be residing with her parents at SAS Nagar (Mohali). A petition under Section 125 Cr.P.C. filed by her is also pending at SAS Nagar (Mohali). She is having no source of income and is saddled with the responsibility of raising her son. In a dispute

between the husband and the wife, normally the wife is at the receiving end. It would indeed, be very difficult for the petitioner to travel from SAS Nagar (Mohali) to Sangrur alongwith the son and the expenses for travelling will also be an additional financial burden on her.

In the above premises, the instant transfer petition is allowed. Petition under Section 9 of the Act titled as “Paramjit Singh vs. Jagpal Kaur” is withdrawn from the Court of learned Civil Judge (Sr.Divn.), Sangrur and is transferred to the court of competent jurisdiction at District Judge, Ropar, who will entrust it to any Court of competent jurisdiction at SAS Nagar (Mohali). The complete record pertaining to the case in question shall be sent by the trial Court at Sangrur to the learned District Judge, Ropar within two weeks from the date of receipt of a copy of this order.

The parties shall appear before the Court of District Judge, Ropar on 28.10.2015.

17.9.2015
gsv

(SNEH PRASHAR)
JUDGE