

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

TA No.538 of 2014.

Date of Decision: 08.09.2015.

Suman

....Petitioner.

VERSUS

Anil Kumar

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ravinder Chauhan, Advocate for
Mr. Anil Ghangas, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

This petition 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 (Family Court), Bhiwani to the Court of competent jurisdiction at Jind, was filed by petitioner-wife Smt. Suman.

Despite service of notice of the petition on the respondent, he did not opt to appear and contest the same.

The submissions made by learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 28.02.2002, however since she was minor at the time

of marriage, Muklawā ceremony was performed in March, 2004. She was treated with cruelty by the respondent-husband and his family members and was abandoned at her parental home. She filed a petition under Section 125 of the Code of Criminal Procedure (for short, "Cr.P.C.") which is pending at Jind. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the Court of District Judge (Family Court), Bhiwani. She is a poor lady and has no independent source of income and it is also difficult for her to travel from Bhiwani to District Courts Jind to defend the petition.

The petitioner is presently residing with her parents at Jind. The distance between Jind and Bhiwani is about 80 kilometers and it will indeed be difficult for her to travel. 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, in view of 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under Section 13 of the Act of 1955 pending in the Court of learned District Judge (Family Court), Bhiwani is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Jind. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Jind 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 Jind.

The parties are directed to appear before the District Judge,
Jind on 01.10.2015.

(SNEH PRASHAR)
JUDGE

08.09.2015.
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