

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

TA No.550 of 2014 (O&M).
Date of Decision: 15.09.2015.

Kavita		Petitioner.
	VERSUS	
Pintu Duggal		Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Raghav Goel, Advocate for
Mr. Harkesh Manuja, Advocate for the petitioner.

Ms. Rakhi Sharma, Advocate for
Mr. Sachin Sharma, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by petitioner-wife Smt. Kavita under Section 24 read with Section 151 of the Code of Civil Procedure (for short, “C.P.C.”) 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 Civil Judge (Senior Division), Amritsar to the Court of competent jurisdiction at Karnal.

The submissions made by learned counsel representing the petitioner and learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 07.02.2011 at Karnal. 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 since July, 2012 is residing with her parents. Respondent has since filed a petition under Section 9 of the Act of 1955, which is pending adjudication in the Court of Civil Judge (Senior Division), Amritsar. 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 Amritsar to Karnal.

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resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she herself has withdrawn from his conjugal company without any reasonable cause.

Admittedly, the petitioner is residing with her parents at Karnal. The distance between Karnal and Amritsar is about 300 kilometers. It will indeed be difficult for the petitioner to travel alone such long distance to attend 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 9 of the Act of 1955 pending in the Court of learned Civil Judge (Senior Division), Amritsar is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Karnal. The file shall be sent by the trial Court to the Court of

District and Sessions Judge, Karnal 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 Karnal.

The parties are directed to appear before the District Judge, Karnal on 28.10.2015.

(SNEH PRASHAR)
JUDGE

15.09.2015.
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