

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

TA No.56 of 2014 (O&M).

Date of Decision: 14.09.2015.

Seema

....Petitioner.

VERSUS

Pardeep Kaushik

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. U.K. Agnihotri, Advocate for the petitioner.

Mr. Pankaj Midha, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by the petitioner-wife Smt. Seema under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the Court of Additional District Judge, Rewari to the Court of competent jurisdiction at Jind.

The submissions made by Mr. U.K. Agnihotri, learned counsel representing the petitioner and Mr. Pankaj Midha, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 02.04.2001. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately

in June, 2013 was turned out of the matrimonial home and since then is residing with her parents. Having faced the cruelty at the hands of the respondent and his family members, a criminal complaint under Section 498-A/406/323 and 506 read with Section 34 of the Indian Penal Code was filed by her against the respondent and his family members which is pending at Jind. She filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure against the respondent. The said petition and complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 filed by her, are also pending at Jind. Respondent has since instituted a petition under Section 13(1)(ia) of the Act of 1955, which is pending adjudication in the Court of Additional District Judge, Rewari. 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 Rewari to Jind.

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 other.

Presently, the petitioner is residing with her parents at Jind. Three cases arising out of the marital discord between the parties are already pending at Jind. The distance between Jind and Rewari is about 100 kilometers. It will indeed be difficult for the petitioner to travel 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, in view of the facts discussed above, the petition filed by the respondent under Section 13(1)(ia) of the Act of 1955 pending in the Court of learned Additional District Judge, Rewari 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 12.10.2015.

(SNEH PRASHAR)
JUDGE

14.09.2015.
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