

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

TA No.58 of 2014.

Date of Decision: 02.12.2015.

Kiran Bala

....Petitioner.

VERSUS

Deepak Bhayana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sant Lal Barwala, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 of the Code of Civil Procedure Smt. Kiran Bala-wife has initiated this petition seeking transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) filed by respondent-husband from the Court of learned Additional District Judge, SAS Nagar, Mohali to the Court of competent jurisdiction at Hisar.

Despite the case having been called twice, none has appeared on behalf of the respondent. Same was the state of affair on the last date of hearing. The respondent is thus proceeded against exparte.

The submissions made by Mr. Sant Lal Barwala, learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 08.08.2005 at Hansi as per Sikh 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 is since residing with her parents. A female child was born out of the wedlock who is in her care and custody. She filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and a complaint under Section 406/498-A/323/506 of the Indian Penal Code against the respondent which are pending at Hansi, District Hisar. A petition claiming maintenance under Section 125 of the Code of Criminal Procedure filed by the petitioner is pending in the Family Court at Hisar. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the court of Additional District Judge, SAS Nagar, Mohali. Submitting that the petitioner is a poor lady and has no independent source of income and alongwith her minor child is residing at the mercy of her parents, learned counsel sought transfer of the petition to Hisar.

Presently, the petitioner alongwith her minor child is residing with her parents at Hisar. Out of the three cases arising out of the marital discord between the parties and filed by the petitioner, two are pending at Hansi, District Hisar and one is pending at Hisar. The distance between Hisar and SAS Nagar, Mohali is about 250 kilometers. Needless to say that it will be difficult for the petitioner to travel such a long distance alongwith the minor child to attend the hearings at SAS Nagar, Mohali 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 13 of the Act of 1955 pending in the Court of learned Additional District Judge, SAS Nagar, Mohali is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Hisar. The file shall be sent by the trial Court to the District and Sessions Judge, Hisar 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 Hisar.

The parties are directed to appear before the District Judge, Hisar on 13.01.2016.

(SNEH PRASHAR)
JUDGE

02.12.2015.
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