

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

**TA No.621 of 2014.**

**Date of Decision: 31.08.2015.**

Preeti Bala

....Petitioner.

VERSUS

Jaswinder Pal Sharma

....Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Munish Jolly, Advocate for the petitioner.

Mr. Tejinder Pal Singh, Advocate for the respondent.

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**SNEH PRASHAR, J.**

This is a petition by wife-petitioner Smt. Preeti Bala 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 Additional District Judge, Sangrur to the court of competent jurisdiction at Ludhiana.

Reply filed on behalf of the respondent in Court today is taken on record.

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 28.11.2003 and two sons were born out of the

wedlock. After marriage, she was being treated with cruelty by the respondent-husband and his family members and was turned out of the matrimonial home and now she is residing with her parents at Ludhiana. 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, Sangrur. 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 Sangrur to District Courts, Ludhiana.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that the petitioner herself under the influence of her mother has left the matrimonial home without any reason and her behaviour had always been rude and harsh.

Admittedly, the petitioner alongwith her minor children is presently residing with her parents at Ludhiana. The distance between Sangrur and Ludhiana is about 75 kilometers. It will be difficult for her to travel with the children 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 of the Act of 1955 pending in the court of learned Additional District Judge, Sangrur is withdrawn from the

said court and is transferred to the court of competent jurisdiction at Ludhiana. The file shall be sent by the trial court to the court of District and Sessions Judge, Ludhiana 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 competent court of jurisdiction at Ludhiana.

The parties are directed to appear before the District Judge, Ludhiana on 28.09.2015.

**(SNEH PRASHAR)**  
**JUDGE**

**31.08.2015.**  
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