

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

TA No.629 of 2014.

Date of Decision: 26.08.2015.

Mandip Kaur

....Petitioner.

VERSUS

Jasvinder Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Jai Bhagwan, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Mandip Kaur 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 13(1)(a) of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the Court of District Judge (Family Court), Sonapat to the Court of competent jurisdiction at Amritsar.

The submissions made by Mr. Amit Arora, learned counsel representing the petitioner and Mr. Jai Bhagwan, learned counsel representing the respondent have been heard.

The averments made by the petitioner reveal that she was married to the respondent on 21.10.2012 at Jandiala, Amritsar as per Sikh rites and ceremonies. She was maltreated by the respondent and his family members and ultimately in the month of August, 2014 was turned out of the matrimonial home and since then is residing with her parents at Amritsar.

Learned counsel for the petitioner argued that having faced cruelty at the hands of the respondent-husband and his family members, the petitioner filed a complaint on the basis of which a criminal case bearing First Information Report No.4 dated 12.03.2015 under Section 498-A of the Indian Penal Code (for short, "I.P.C.") was registered at Police Station NRI/ASR District Amritsar. She also filed a complaint under the Protection of Women from Domestic Violence Act, 2005 which is also pending at Amritsar. The respondent has now filed a petition under Section 13(1)(a) of the Act of 1955, which is pending adjudication in the court of District Judge (Family Court), Sonipat.

Submitting that the petitioner has no independent source of income and is dependent on her parents and the distance between Sonipat and Amritsar is about 430 kilometers, learned counsel sought transfer of the petition filed under Section 13(1)(a) of the Act of 1955 pending before District Judge (Family Court), Sonipat to District Courts, Amritsar.

Resisting the prayer of the petitioner, learned counsel for the respondent submitted that the petitioner has herself left the conjugal company of respondent of her own volition and enjoys good health for travelling from one place to other.

Admittedly, the petitioner is presently residing with her parents at Amritsar. The distance between Sonipat and Amritsar is about 430 kilometers. Two cases arising out of the marital dispute between the parties are already pending at Amritsar. Travelling from one place to other will not only be inconvenient/ difficult for the petitioner but 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. In the light of aforesaid facts, I feel it shall be expedient and in the interest of justice that the petition pending at Sonipat is transferred to Amritsar.

Accordingly, the petition filed by the respondent under Section 13(1)(a) of the Act of 1955 pending in the court of learned District Judge (Family Court), Sonipat is withdrawn from the said court and is transferred to the court of competent jurisdiction at Amritsar. The file shall be sent by the trial court to the court of District and Sessions Judge, Amritsar 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 Amritsar.

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

(SNEH PRASHAR)
JUDGE

26.08.2015.
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