

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

TA No.661 of 2014.

Date of Decision: 21.08.2015.

Mamta

....Petitioner.

VERSUS

Kuldeep Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

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

Mr. S.K. Verma, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Mamta 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, Kaithal to the court of competent jurisdiction at Hisar.

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

Submissions of the petitioner reveal that she was married to the respondent on 19.11.2011 at Hisar as per Hindu rites and ceremonies. She was maltreated by the respondent and his family members and ultimately on 26.10.2012 was thrown out of the matrimonial home. Since then she is residing with her parents at Hisar.

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.225 dated 26.02.2014 under Section 498-A/323/506 read with Section 34 of the Indian Penal Code (for short, "I.P.C.") was registered at Police Station Sadar, Hisar. She also filed a petition claiming maintenance under Section 125 of the Code of Criminal Procedure (for short, "Cr.P.C.") which is pending at Hisar. The complaint under the Protection of Women from Domestic Violence Act, 2005 filed by her against the respondent is also pending at Hisar. The respondent has now filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the court of Additional District Judge, Kaithal. The petitioner is a student of P.hd. in Haryana Agricultural University, Hisar and it is difficult for her to defend the petition pending at Kaithal.

Submitting that the petitioner has no independent source of income and is dependent on her parents, learned counsel sought transfer of the petition filed under Section 13 of the Act of 1955 pending before Additional District Judge, Kaithal to District Courts, Hisar.

Resisting the prayer of the petitioner, learned counsel for the

respondent submitted that soon after marriage, the petitioner started saying that she had been married with the respondent against her wishes. Because of her quarrels the mother of the respondent went in depression and is under treatment. His father is also not keeping well and he has to often take his parents to PGIMS, Rohtak and Chandigarh for treatment. Learned counsel also submitted that as per the information received by the respondent under the R.T.I. Act, the petitioner is working as a Lecturer in Government Polytechnic, Hisar.

Admittedly, the petitioner is presently residing with her parents at Hisar. The distance between Kaithal and Hisar is about 100 kilometers. Three cases arising out of the marital dispute between the parties are already pending at Hisar. 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. As submitted by her she is pursuing studies and is a student of P.hd. For that reason also, it will not be feasible for her to defend the petition filed at Kaithal. 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 Kaithal is transferred to Hisar.

Accordingly, the petition filed by the respondent under Section 13 of the Act of 1955 pending in the court of learned Additional District Judge, Kaithal 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 court of 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 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 24.09.2015.

(SNEH PRASHAR)
JUDGE

21.08.2015.
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