

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

TA No.676 of 2014 (O&M).

Date of Decision: 30.09.2015.

Nuree

....Petitioner.

VERSUS

Bhaskar Chaudhary

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ayush Gupta, Advocate for the petitioner.

Mr. Harmanjit Singh Jugait, Advocate and
Mr. Parvesh Bhuttu, Advocate for the respondent.

SNEH PRASHAR, J.

CM-20786-CII-2015

Allowed as prayed for.

TA-676 of 2014

Petitioner Smt. Nuree filed this petition 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) and (ib) of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the Court of District Judge (Family Court), Faridabad to the Court of competent

jurisdiction at Sonipat.

The submissions made by Mr. Ayush Gupta, learned counsel representing the petitioner and Mr. Harmanjit Singh Jugait and Mr. Parvesh Bhuttu, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 12.11.2011 as per Hindu rites at Sonipat. After marriage, she was treated with cruelty by the respondent-husband and his family members and ultimately on 30.04.2012 was turned out of the matrimonial home and since then is residing with her parents. 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, were disposed of by the Courts at Sonipat. Respondent has since instituted a petition under Section 13(1)(ia) and (ib) of the Act of 1955, which is pending adjudication in the Court of District Judge (Family Court), Faridabad. Submitting that the petitioner has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition from Faridabad to Sonipat.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that all allegations levelled by the petitioner are false. She has herself left the society of the respondent without any reasonable cause and is the wrong doer. She is a qualified lady and had studied in different universities at different places and during that period she used to stay in hostels and used to travel independently. Learned

counsel also asserted that all the witnesses of the respondent are residing at Faridabad and it will be difficult for him to take them from Faridabad to Sonipat.

Admittedly, due to the marital discord between the parties, the petitioner is residing with her parents at Sonipat. The fact that the petitioner was residing in hostel when she was a student is of no relevancy in the present controversy. She cannot be left to suffer on that count. The distance between Sonipat and Faridabad is about 80 kilometers. Indeed, it will be difficult for the petitioner to attend the hearings in the Court and to defend the petition filed by the respondent by travelling such long distance. The expenditure on 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) and (ib) of the Act of 1955 pending in the Court of learned District Judge (Family Court), Faridabad is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Sonipat. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Sonipat 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 Sonipat.

The parties are directed to appear before the District Judge,
Sonipat on 06.11.2015.

(SNEH PRASHAR)
JUDGE

30.09.2015.
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