

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

TA No.719 of 2014 (O&M).
Date of Decision: 04.09.2015.

Neha Suneja

....Petitioner.

VERSUS

Sachin Sachdeva

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amrainder Singh, Advocate for the petitioner.

None for the respondent.

SNEH PRASHAR, J.

CM-5262-CII-2015

Allowed as prayed for. The amended memo of parties is taken on record.

TA-719-2014

This is a petition under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the Court of District Judge (Family Court), Ambala to the Court of competent jurisdiction at Bhiwani.

Notice of the petition issued to the respondent was received back duly served but none appeared on his behalf. As such, he is proceeded against exparte.

The submissions made by learned counsel representing the petitioner have been considered.

It is submitted on behalf of the petitioner that she was married to the respondent on 18.11.2012 as per Hindu rites and ceremonies at Ambala. After marriage, she was being treated with cruelty by the respondent-husband and his family members and ultimately was turned out of the matrimonial home and is residing with her parents at Bhiwani. Having faced the cruelty at the hands of the respondent and his family members. She lodged a complaint with the police on which First Information Report No.372 dated 04.09.2014 under Section 498-A/406/342 and 506 of the Indian Penal Code was registered at Police Station Civil Lines, Bhiwani against the respondent and his family members. A petition claiming maintenance under Section 125 of the Code of Criminal Procedure was also filed by her at Bhiwani. Respondent has since filed a petition under Section 9 of the Act of 1955, which is pending adjudication in the court of District Judge (Family Court), Ambala.

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 Ambala to Bhiwani.

The petitioner is presently residing with her parents at Bhiwani. As submitted by her she has no independent source of income and is dependent on her parents. Other criminal and quasi civil litigation between the parties is already pending at Bhiwani. The distance between Bhiwani and Ambala is about 250 kilometers. It will indeed be difficult for the

petitioner to travel such long distance to attend the hearings in the Court 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 9 of the Act of 1955 pending in the Court of learned District Judge (Family Court), Ambala is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Bhiwani. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Bhiwani 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 Bhiwani.

The parties are directed to appear before the District Judge, Bhiwani on 05.10.2015.

(SNEH PRASHAR)
JUDGE

04.09.2015.
jitender