

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

TA No.721 of 2014.

Date of Decision: 11.08.2015.

Meenakshi @ Pooja

....Petitioner.

VERSUS

Bunty Chhabra

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Rajbir Singh, Advocate for the petitioner.
Mr. Yogesh Gupta, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Meenakshi @ Pooja under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 12 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the court of Additional District Judge, Ludhiana to the court of competent jurisdiction at Sangrur.

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

From the rival contention of the parties, it transpires that the marriage between the petitioner and the respondent was solemnized on 09.02.2013 as per Hindu rites and ceremonies at Bhawanigarh, Tehsil and District Sangrur. It was submitted on behalf of the petitioner that her

parents spent huge amount on the marriage but the respondent and his family members were not satisfied with the dowry given by her parents. Soon after marriage, they started maltreating and harassing her. She was turned out of the matrimonial home on 10.07.2013 in wearing apparels and since then she is residing with her parents. On a complaint filed by her, a criminal case bearing First Information Report No.25 dated 14.02.2014 was registered at Police Station Bhawanigarh, District Sangrur. A complaint filed by her under Sections 498-A/406/386/506 read with Section 34 of the Indian Penal Code (for short, "I.P.C.") and section 3/4 of the Dowry Prohibition Act is also pending in District Courts, Sangrur.

It was further submitted by learned counsel for the petitioner that the petitioner neither owns any movable or immovable property nor has any independent source of income and the respondent has intentionally neglected and refused to maintain her and has since filed a petition for annulment of marriage invoking the provisions of section 12 of the Act of 1955. Submitting that the distance between Sangrur to Ludhiana is more than 120 kilometers and the petitioner will not be in a position to travel such long distance frequently for defending the case and that three other cases arising out of the same matrimonial dispute are already pending at Sangrur, learned counsel contended that it would be appropriate to transfer the petition under Section 12 of the Act of 1955 filed by the respondent from the court at Ludhiana to the court of competent jurisdiction at Sangrur.

Resisting the prayer of the petitioner, learned counsel for the respondent submitted that the petitioner and her family members committed

fraud with the respondent by concealing the fact of serious disease from which the petitioner was suffering. The petitioner also got terminated her pregnancy at the instance of her parents without the consent of the respondent.

Admittedly, petitioner is presently residing with her parents at Sangrur. The distance from Ludhiana to Sangrur is approximately 120 kilometers and it is undoubtedly inconvenient/difficult for the petitioner to travel all the way from Sangrur to Ludhiana to attend the court proceedings. According to the respondent himself the petitioner is not keeping good health. It has been held in *Sumitra Singh vs. Kumar Sanjay and another*, AIR 2002 (SC) 396 and *Neelam Kanwar vs. Devinder Singh Kanwar*, 2000(43) AIR 129 that convenience of the wife has to be taken into consideration in such like matters.

Accordingly, the petition filed by the respondent under Section 12 of the Act of 1955 pending in the court of Additional District Judge, Ludhiana is withdrawn from the said court and is transferred to the court of competent jurisdiction at Sangrur. The file shall be sent by the trial court to the court of District Judge, Sangrur 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 competent court of jurisdiction at Sangrur.

The parties are directed to appear before the District Judge, Sangrur on 03.09.2015.

(SNEH PRASHAR)
JUDGE

11.08.2015.
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