

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

TA No.61 of 2014.

Date of Decision: 14.09.2015.

Anup Daroch

....Petitioner.

VERSUS

Pankaj Daroch

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ankur Bansal, Advocate for the petitioner.
Mr. R.V.S. Chugh, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition by wife-petitioner Smt. Anup Daroch 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 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") by respondent-husband from the Court of Additional District Judge, Rohtak to the Court of competent jurisdiction at Jalandhar.

The submissions made by Mr. Ankur Bansal, learned counsel representing the petitioner and Mr. R.V.S. Chugh, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 20.12.2012 at Jalandhar. After marriage, she was treated with cruelty by the respondent-husband and his family members and on 14.12.2013 was thrown out of the matrimonial home. Having faced

cruelties at the hands of the respondent and his family members, she lodged a complaint with the police on which First Information Report no.1 dated 13.01.2014 under Section 406/498-A/34 of the Indian Penal Code was registered against the respondent and his family members at Police Station Women Cell, Jalandhar. She also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which too is pending at Jalandhar. Respondent has since filed a petition under Section 13 of the Act of 1955, which is pending adjudication in the court of Additional District Judge, Rohtak. 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 filed under Section 13 of the Act of 1955 pending before Additional District Judge, Rohtak to District Courts, Jalandhar.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that she had left the conjugal company of the respondent of her own volition and enjoys good health for travelling from one place and other.

Admittedly, the petitioner alongwith her minor son is presently residing with her parents at Jalandhar. Two cases arising out of the marital discord between the parties are already pending at Jalandhar. The distance between Jalandhar and Rohtak is about 300 kilometers. It will indeed be difficult for the petitioner to travel such long distance alongwith the minor child to attend the hearings at Rohtak 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 13 of the Act of 1955 pending in the Court of learned Additional District Judge, Rohtak is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Jalandhar. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Jalandhar 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 Jalandhar.

The parties are directed to appear before the District Judge, Jalandhar on 12.10.2015.

(SNEH PRASHAR)
JUDGE

14.09.2015.
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