

(2002) 03 P&H CK 0077

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Miscellaneous No. 13061-CII of 2001

Seema and Others

APPELLANT

Vs

Amarjit Rai and Others

RESPONDENT

Date of Decision: March 6, 2002**Acts Referred:**

- Civil Procedure Code, 1908 (CPC) - Section 24

Citation: (2002) 3 CivCC 178 : (2003) 1 DMC 43 : (2002) 3 RCR(Civil) 463**Hon'ble Judges:** K.C. Gupta, J**Bench:** Single Bench**Advocate:** S.C. Chhabra, for the Appellant; A.S. Sandhu, for the Respondent**Final Decision:** Allowed

Judgement

K.C. Gupta, J.

Amarjit Rai, respondent, has filed a petition u/s 13 of the Hindu Marriage Act, against his wife, Smt. Seema, petitioner, which is pending in the Court of District Judge, Amritsar. Smt. Seema is residing with her parents after having strained relations with her husband (respondent) at Ferozepur City. She has moved an application u/s 24 C.P.C. for transferring the said petition from Amritsar to Ferozepur as it is difficult for her to visit Amritsar on each and every date of hearing along with minor female child who is aged about two years at present.

2. It has been held by the Apex Court in Neelam Kanwar v. Devinder Singh Kanwar AIR 2000 (S.C.) 129 that convenience of the wife is to be seen. Counsel for the respondent contended that he had once visited Ferozepur City and the parents of the petitioner had tried to involve him in some criminal case and he had lodged a report to this effect. On the other hand, counsel for the petitioner contended that the marriage -of the sister of the petitioner was fixed on the next date and in order to create a scene in the marriage, the respondent had made a false application.

3. Keeping in view the facts and circumstances of the case and the fact that the convenience of the wife is to be seen, the divorce petition is withdrawn from the Court of District Judge, Amritsar and is transferred to the District Judge, Ferozepur, who will try the same himself or assign to some Additional District Judge for trial in accordance with law. The parties, through counsel, are directed to appear in his Court on 21.3.2001.