

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

Transfer Application No. 542 of 2013 (O&M)

Date of decision : 14.5.2015

Sarabjit Kaur
vs
Sandeep Singh

.... Applicant
.... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal.

Present: Mr. Anup Singh, Advocate, for the applicant.
Mr. Raman Mohinder Sharma, Advocate for the respondent.

Rajesh Bindal, J.

The prayer made in the present application filed by the wife is for transfer of divorce petition titled as 'Sandeep Singh vs Sarabjit Kaur' filed by her husband under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of Additional District Judge, Patiala to the court of competent jurisdiction at Bathinda.

It was submitted by learned counsel for the applicant that the applicant was married with the respondent on 18.9.2007, as per Sikh rites and ceremonies. Out of the wedlock, one child was born. After she was turned out of the matrimonial home, she is residing at her parental house. She has no source of income for her livelihood. No maintenance is being paid to her. It is very difficult for her to meet day to day expenses besides travelling 140 kilometers to attend the Court at Patiala. The respondent-husband is attending the proceedings in the complaint filed by the wife under the Protection of Women from Domestic Violence Act, 2005, at Bathinda. Proceedings in FIR No. 64 dated 15.10.2013, are also pending at Bathinda. As the husband is already attending the aforesaid cases at Bathinda, it will not be difficult for him to attend these proceedings at Bathinda. The prayer is for transfer of the aforesaid petition to the court of competent jurisdiction at Bathinda.

On the other hand, learned counsel for the respondent denied the allegations levelled in the application against him but difficulties to be

faced by the wife to attend the proceedings could not be disputed by him. He stated that FIR has been lodged against the respondent only to harass him. The son born out of the wedlock is living with him. His mother is also not keeping good health. It is very difficult for him to travel from Patiala to Bathinda. These cases be transferred to a place which is located at equal distance from both places.

Heard learned counsel for the parties and perused the paper book.

It is not disputed by the learned counsel for the respondent that the wife is now residing at Bathinda. It is very difficult for her to attend the proceedings at Patiala, which is located at a distance of about 140 kilometers.

The issue regarding transfer of matrimonial proceedings almost in similar circumstances came up for consideration before this Court in a number of cases earlier. It has been the consistent view that primarily convenience of the wife is to be given weightage for ordering transfer of proceedings at or near the place where she is residing. Reference can be made to judgment of this Court in TA No. 612 of 2012 Shashi Bala vs Sanjeev Kumar decided on 21.4.2015 and TA No. 363 of 2013 Kuldeep Kaur vs Amarjit Singh, decided on 23.4.2015.

Accordingly, the divorce petition filed by the husband at Patiala is transferred to Bathinda. Parties are directed to appear before the District Judge, Bathinda, on 25.5.2015 for further proceedings. The District Judge, Bathinda may either keep it with him or entrust the same to any other competent Court.

Further the District Judge, Bathinda may examine the possibility of assigning different cases pending between the parties to one Court, if that court has the jurisdiction and further the Court(s) concerned should consider the request of the respondent to fix all the cases on same date, if possible.

The application stands disposed of accordingly.

14.5.2015
vs

(Rajesh Bindal)
Judge