

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.567 of 2013

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Date of decision:4.8.2015

Parminder Kaur

.....Petitioner

v.

Gagandeep Singh

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Naveen Batra, Advocate for the petitioner.

Ms. Sukhpreet Kaur, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. for transferring the petition filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') titled as “Gagandeep Singh Vs. Parminder Kaur”, by respondent pending in the Court of Additional District Judge, Kapurthala to any Court of competent jurisdiction at Hoshiarpur.

Notice of this petition was given to the respondent, who was represented by Ms. Sukhpreet Kaur, learned counsel and contested this petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that there is one FIR registered against

the respondent under Sections 406 and 498-A IPC in Police Station Chhabewal, District Hoshiarpur as stated in the reply filed by the respondent. The other petition is filed by petitioner Parminder Kaur under the Guardianship Act, which is pending in the Court at Hoshiarpur. The respondent-husband Gagandeep Singh has filed petition under Section 13 of the Act at Kapurthala and it is stated that one complaint case for the offences under Sections 323, 379, 452, 504 and 506 IPC dated 14.6.2013 is pending against the petitioner and her parents in the Court at Kapurthala.

At the time of arguments, learned counsel for the respondent was not sure whether summoning order has been passed in this complaint or not. In the matrimonial dispute cases, the convenience of the wife for transferring the proceedings is to be seen. It is difficult for the petitioner being lady to visit alone to Kapurthala which is stated to be at a distance of 100 kms. It is also the case of the petitioner that she apprehends danger to her life on visit to attend the hearing of the case at Kapurthala.

Keeping in view the facts and circumstances of the present case and the above discussion, I find that no prejudice will be caused to the respondent, who has to appear in other proceedings at Hoshiarpur. Rather, it will be convenient for the parties to get the dates fixed on one day by making request to the Courts.

In view of the above, I find merit in this petition and the same is accepted. The petition filed under Section 13 of the Act pending before learned Additional District Judge, Kapurthala is transferred to the Court of competent jurisdiction at Hoshiarpur.

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The parties are directed to appear before District Judge, Hoshiarpur on 26.8.2015. The District Judge, Hoshiarpur will be at liberty to keep this case with him or may transfer the same to any Court of competent jurisdiction at Hoshiarpur, for disposal as per law.

The learned Additional District Judge, Kapurthala, is directed to send the file of the above case to the learned District Judge, Hoshiarpur well before the date fixed.

August 4, 2015.

(Inderjit Singh)
Judge

hsp