

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

Transfer Application No. 737 of 2013

Date of Decision: 16th July, 2015

Renu

...Petitioner

Versus

Gurpreet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.P.K.Bansal, Advocate,
for the petitioner.

Respondent proceeded against ex parte
vide order dated 14.05.2015.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 24 of the Civil Procedure Code, for transfer of petition filed under Section 13 of the Hindu Marriage Act titled as “**Gurpreet Singh vs. Renu**” from the board of learned District Judge, Ludhiana to a Court of the competent jurisdiction at Ferozepur.

Learned counsel contends that due to harsh behaviour of the respondent/husband it was not possible for the petitioner/wife to pull on well with him. She was forced to leave the matrimonial house and thereafter, she had to take shelter at

the house of her mother at Ferozepur. The petitioner has filed a petition under Section 125, Cr.P.C., for claiming the maintenance in which the respondent/husband has been proceeded against ex parte. There is no source of income with the petitioner so that she may go to Ludhiana on each and every date of hearing to defend the case filed by the respondent/husband. Even there is no adult member at the house of her widowed mother to accompany the petitioner to Ludhiana for defending the case filed by the respondent.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

In spite of service no one has put in appearance for the respondent/husband, therefore, he was proceeded against ex parte vide order dated 14.05.2015.

In the matter of ***Sumita Singh vs. Kumar Sanjay & another, AIR 2002 SC 396*** Hon'ble the Supreme Court while dealing with the petition under Section 24, CPC, for transfer of a matrimonial case held that “ it is the wife's convenience that must be looked at”. In ***Jitender Kaur vs. Manpreet Singh***, Transfer Application No.263 of 2009, decided on 25.11.2009, by a Co-ordinate Bench of this Court held that in terms of Section 21-A of the Hindu Marriage Act, all proceedings under the

Hindu Marriage Act have to be tried by the same Court, therefore, a petition under Section 13 of the Hindu Marriage Act filed by the respondent has to be tried by the same court which is seized of earlier proceedings under Section 9 of the Act.

Similar were the pronouncements by this Court in the matters of **Annu Arora vs. Rakesh Kumar**, Transfer Application No.648 of 2011, decided on 16.12.2011 and **Bupinder Kaur vs. Inderpreet Singh**, Transfer Application No.616 of 2011, decided on 09.05.2012 by a Co-ordinate Bench of this Court. In the matter of “**Leena Kalra @ Lovely vs. Parveen Kumar**”, Transfer application No.381 of 2014, decided by this Court on 30.03.2015, the same view was endorsed.

Keeping in view the factual and legal aspects of the case, the petition titled as titled as “**Gurpreet Singh vs. Renu**” pending before the learned District Judge, Ludhiana, is transferred to the Board of learned District Judge, Ferozepur, who shall either try the said case himself/herself or assign it to any other court of competent jurisdiction within his/her Sessions Division for trial in accordance with law. Learned District Judge, Ludhiana, shall send the complete record of the above said case to the Court of learned District Judge, Ferozepur, as soon as the copy of this order is received.

The parties to the *lis* shall appear before learned

District Judge, Ferozepur, on 17.08.2015 at 10:00 am for further proceedings.

Disposed of accordingly.

July 16, 2015
seema

(Naresh Kumar Sanghi)
Judge