

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-219-2015

Date of Decision: August 6, 2015

Sandeep Kaur

...Petitioner

Versus

Narinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Achin Gupta, Advocate,
with Smt. Sandeep Kaur, petitioner-in-person.

None for the respondent.

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 Code of Civil Procedure, 1908, is for transfer of the petition, titled as "Narinder Singh v. Sandeep Kaur", filed under Section 9 of the Hindu Marriage Act, 1955 (for brevity, 'the Act'), from the Court of learned Additional District Judge, Sirsa, to a Court of competent jurisdiction at Faridkot.

Despite second call, no one has put in appearance for the respondent. On the last date of hearing the parties were directed to remain present in the Court in person. Today, neither

counsel nor the respondent-husband is present. Therefore, this Court is constrained to hear the petitioner and decide the case.

Learned counsel submits that the petitioner alongwith her three minor children was thrown out of the matrimonial house from village Mallekan, Tehsil and District Sirsa, and thereafter she had to take shelter at her parental house at Kot Kapura, District Faridkot. He further submits that two more cases between the same parties are pending adjudication before the Courts at Faridkot and that the petitioner has no means to go to Sirsa on each and every date of hearing to defend the case filed by the respondent-husband.

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

In the matter of **Sumita Singh v. Kumar Sanjay and 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 v. Manpreet Singh** (TA No. 263 of 2009, decided on 25.11.2009), a Co-ordinate Bench of this Court held that in terms of Section 21-A of the Act, all proceedings under the Act have to be tried by the same Court, therefore, a petition under Section 13 of the Act, filed by the respondent in the said case, was ordered to be tried by the same court which was seized

of earlier proceedings under Section 9 of the Act.

Similar view was taken in the matters of **Annu Arora v. Rakesh Kumar** (TA No. 648 of 2011, decided on 16.12.2011); **Bupinder Kaur v. Inderpreet Singh** (TA No. 616 of 2011, decided on 09.05.2012); **Leena Kalra @ Lovely v. Parveen Kumar** (TA No. 381 of 2014, decided on 30.03.2015); and **Suman v. Baldev Singh** (TA No. 637 of 2013, decided on 3.7.2015).

In view of the facts that the petitioner has three minor children with her; two more cases are pending adjudication before the Courts at Faridkot; and that she has no means to go to Sirsa from Faridkot on each and every date of hearing to defend the case filed by the respondent-husband, as well as the ratio of the judgments cited here-in-above, the case titled as “Narinder Singh v. Sandeep Kaur”, filed under Section 9 of the Act by the respondent-husband, is transferred from the Court of learned Additional District Judge, Sirsa, to the Board of learned District Judge, Faridkot, who shall either try the case himself or assign it to any other Court of competent jurisdiction within his Sessions Division.

Learned Additional District Judge, Sirsa, shall send the complete record of the case titled as “Narinder Singh v. Sandeep Kaur”, filed under Section 9 of the Act by the respondent-husband, to the Court of learned District Judge, Faridkot, immediately.

The parties to the *lis* are directed to appear before learned District Judge, Faridkot, on 7.9.2015, at 10:00 a.m., for further proceedings.

Disposed of accordingly.

(NARESH KUMAR SANGHI)
JUDGE

August 6, 2015
Pkapoor