

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-229-2015

Date of Decision: July 28, 2015

Ramandeep Kaur @ Jagdeep Kaur

...Petitioner

Versus

Jagdeep Singh @ Jaggi

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Jagdeep Singh @ Jaggi,
respondent-in-person.

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 "Jagdeep Singh @ Jaggi v. Ramandeep Kaur @ Jagdeep Kaur", filed under Section 13 of the Hindu Marriage Act, 1955 (for brevity, 'the Act'), from the Court of learned Additional District Judge, Sangrur, to a Court of competent jurisdiction at Sessions Division, Ludhiana.

Learned counsel contends that due to harsh behaviour

of the respondent-husband, it was not possible for the petitioner-wife to pull on any more with him. The petitioner-wife was forced to leave the matrimonial house and, as such, she had no alternative except to take shelter at her parental house at village Ishanpur, Tehsil Khanna, District Ludhiana, which is at a distance of 92 KMs. from Sangrur. He further points out that the petitioner is an unemployed woman and has no financial resources. There is no adult male member except the old father of the petitioner-wife to accompany her to Sangrur from the village where she is residing, to defend the case filed by the respondent-husband. He also submits that the respondent-husband is posted at Srinagar and it would make no difference for him to come to Sangrur or to Ludhiana, to pursue his case.

The respondent, Jagdeep Singh @ Jaggi, has appeared in person and submits that he has no objection if the prayer of the petitioner-wife is accepted and the case mentioned here-in-above is transferred from the Court of learned Additional District Judge, Sangrur to the board of learned District Judge, Ludhiana. The respondent has been identified by Mr. Gurcharan Singh Dhaliwal, resident of House No. 905-A, Sector 43-A, Chandigarh, who is a former employee of this Court. Mr. Gurcharan Singh Dhaliwal has placed on record the photostat copy of his old identity card, which

is taken on record.

I have heard learned counsel for the petitioner and respondent-in-person and with their 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).

Keeping in view the totality of the facts and

circumstances of the case as well as no objection from the respondent-husband, the case titled as “Jagdeep Singh @ Jaggi v. Ramandeep Kaur @ Jagdeep Kaur”, filed under Section 13 of the Act by the respondent-husband, is transferred from the Board of learned Additional District Judge, Sangrur, to the Board of learned District Judge, Ludhiana, 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, Sangrur, shall send the complete record of the case titled as “Jagdeep Singh @ Jaggi v. Ramandeep Kaur @ Jagdeep Kaur”, filed under Section 13 of the Act by the respondent-husband, to the Court of learned District Judge, Ludhiana, immediately.

The parties to the *lis* are directed to appear before learned District Judge, Ludhiana, on 20.8.2015, at 10:00 a.m., for further proceedings.

Disposed of accordingly.

(NARESH KUMAR SANGHI)
JUDGE

July 28, 2015
Pkapoor