

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.244 of 2015

Date of Decision: May 15, 2015

Navdeep Kaur

...Applicant

Versus

Surinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ramneek Vasudeva, Advocate
for the applicant.

Ms.Jaspal Kaur Gurna, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Navdeep Kaur has filed this application under Section 24 CPC against Surinder Singh for transfer of petition filed by the respondent under Section 13 of the Hindu Marriage Act, from the Court of competent jurisdiction at Patiala to the Court of competent jurisdiction at Rupnagar.

Notice of motion was issued and learned counsel for the respondent appeared and contested the application.

Learned counsel for the applicant argued that two cases are already pending at Rupnagar one under Section 9 of the Hindu Marriage Act and another under Section 125 Cr.P.C. The husband-respondent has filed divorce petition at Patiala. He further argued that the applicant has no income to go to Patiala to pursue the

proceedings. He next argued that applicant is residing at Ropar and there is nobody in the family to look after her except her two sisters. Learned counsel for the applicant also argued that there is also threat to the life of the applicant and if the case is not transferred, then the applicant will suffer lot of inconvenience.

On the other hand, learned counsel for the respondent argued that two minor daughters are with the respondent at Patiala and the respondent has old parents and if the case is transferred to Rupnagar, there will be inconvenience to the respondent.

After hearing learned counsel for the parties and after going through the record, I find that if the case is not transferred then there will be inconvenience for the applicant as she has to come alone by covering a long distance from Rupnagar to Patiala. There is also no male member in her house to accompany her. Also the ground has been taken that applicant is feeling threat from the respondent as earlier the proceedings under Section 107/151 were initiated against the respondent. If the case is transferred to Rupnagar, then there will be no inconvenience to the respondent as the respondent has to appear in two other cases, which are pending at Rupnagar. Moreover, if this case is transferred, it will be also be convenient to the parties to get same date in all cases by making request.

Keeping in view the facts and circumstances of the present case, I find merit in the present application and the same is allowed. The case filed by the respondent-husband under Section 13 of the Hindu Marriage Act is transferred to the Court of District Judge,

Rupnagar from District Court, Patiala. The parties are directed to appear before learned District Judge, Rupnagar on 29.05.2015. Learned District Judge, Rupnagar may keep the case with him or entrust the same to some other competent Court for disposal in accordance with law.

May 15, 2015
Vgulati

(INDERJIT SINGH)
JUDGE