

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

**Transfer Application No.238 of 2014(O&M)
Date of Decision: May 01, 2015**

Harjeet Kaur

...Petitioner

Versus

Daljeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Issan Cooner, Advocate, for
Mr.J.S.Cooner, Advocate,
for the petitioner.

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)

The present petition has been filed under Section 24 of the Code of Civil Procedure for transfer of petition tilted as **“Daljeet Singh vs. Harjeet Kaur”** filed under Section 9 of the Hindu Marriage Act, pending adjudication before learned Additional Civil Judge (Senior Division) Guhla, to the Court of competent jurisdiction at Ambala.

Learned counsel for the petitioner/wife contends that the petitioner/wife has to maintain two minor children and there is no adult member in her family to accompany her from Ambala to Guhla for defending her case. He further contends that a petition under Section 125, Cr.P.C., and a case arising out

of the Protection of Women from Domestic Violence Act, 2005, filed by the petitioner/wife are pending adjudication before the courts at Ambala and as such, it would be appropriate that all the cases pending between the same parties are tried by the courts at one station.

In spite of service, no one has proposed to appear on behalf of the respondent.

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

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 "**Daljeet Singh** vs. **Harjeet Kaur**" pending before the learned Additional Civil Judge (Senior Division), Guhla, is transferred to the Board of learned District Judge, Ambala, who shall either try the said case himself/herself or assign to any other court of competent jurisdiction to try the said case in accordance with law. Learned Additional Civil Judge (Senior Division) Guhla, shall send the complete record of the above said case to the Court of learned District Judge, Ambala, as soon as the copy of this order is received.

Disposed of accordingly.

The parties to the lis shall appear before learned District Judge, Ambala, on 29.05.2015.

May 01, 2015
seema

(Naresh Kumar Sanghi)
Judge