

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

TA-274-2014 (O&M)

Date of Decision: July 07, 2015

Shewata Pundir

.....Petitioner

Versus

Manjeet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Davinder Kumar, Advocate for
Mr.Ankit Aggarwal, Advocate
for the petitioner.

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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 (for brevity, 'the CPC') is for transfer of the case titled "**Manjeet Singh vs Shewata Pundir**" under Section 13 of the Hindu Marriage Act, 1955 (for brevity, 'the 1955 Act') from the board of learned Additional District Judge, Ludhiana, to a Court of competent jurisdiction of District Court Yamunanagar at Jagadhari.

Learned counsel contends that the marriage of the

petitioner with the respondent-husband was solemnized in the year 2003 at Ludhiana. A son was born out of the said marriage. Due to temperamental differences, it was not possible for the petitioner-wife to pull on well with the respondent-husband. She along with her minor son was forced to leave the matrimonial house at Ludhiana and started residing at Yamunanagar. The respondent -husband filed a petition under Section 13 of the 1955 Act, which is pending adjudication before learned Additional District Judge at Ludhiana. She has no adult member to accompany her to Ludhiana to defend the divorce petition filed by her husband.

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 Hindu Marriage Act, 1955, all proceedings under the said 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 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) and **Leena Kalra @ Lovely v. Parveen Kumar** (TA No. 381 of 2014, decided on 30.03.2015).

Despite service no one has put in appearance on behalf of the respondent-husband. Therefore, this Court was constrained to hear the learned counsel for the petitioner and decide the case.

As per learned counsel for the petitioner, there is no adult member residing with the petitioner. She has to maintain a minor son also. Ludhiana is approximately 200 kilometres from Yamunanagar.

The law cited by the learned counsel for the petitioner clearly spells out that convenience of the woman has to be considered by the Court while deciding the petition for transfer of the case.

Keeping in view the totality of the facts and circumstances of the case as well as the case law cited by the

learned counsel for the petitioner, the case titled “**Manjeet Singh vs Shewata Pundir**” under Section 13 of the 1955 Act is transferred from the Court of learned Additional District Judge, Ludhiana to the Court of learned District Judge, Yamunanagar at Jagadhari.

Learned District Judge, Yamunanagar at Jagadhari, may either try the case himself or assign it to any other Court of competent jurisdiction within his Sessions Division.

Learned Additional District Judge, Ludhiana, shall forward the complete record of the case to the Court of learned District Judge, Yamunanagar at Jagadhari, immediately.

Parties to the lis are directed to appear before the learned District Judge, Yamunanagar at Jagadhari, on 10.08.2015 at 10.00 a.m. for further proceedings.

Disposed of accordingly.

July 07, 2015
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(NARESH KUMAR SANGHI)
JUDGE