

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.389 of 2014 (O&M)
Date of Decision: April 28, 2015

Satnam Kaur

...Applicant

Versus

Prabhjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Suvir Kumar, Advocate
for the applicant.

Ms.Richa Indal and Ms.Amartish Kaur, Advocates
for the respondent.

INDERJIT SINGH, J.

Applicant Satnam Kaur has filed this application under Section 24 CPC against Prabhjit Singh for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 from the Court of learned Civil Judge (Senior Division), Chandigarh, to any other Court of competent jurisdiction at Patiala.

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

At the time of arguments, learned counsel for the applicant argued that proceedings under section 125 Cr.P.C. are already pending before Chief Judicial Magistrate, Patiala. The applicant is living at Patiala and it is not possible for her to come to Chandigarh

again and again keeping in mind that there is considerable distance between Patiala and Chandigarh. He further argued that as per settled law, the convenience of the wife is required to be preferred.

On the other hand, learned counsel for the respondent argued that if the case is transferred, there will be inconvenience to the husband-respondent also and there is no ground to transfer the case.

After going through the record and after hearing learned counsel for the parties, I find that already proceedings under Section 125 Cr.P.C. are pending before CJM, Patiala. There is inconvenience to the applicant-wife as she has to come to Chandigarh after covering a long distance and have to spend the money on travelling etc. If the case is transferred to Patiala, there would be no inconvenience to the respondent-husband as he is to attend the proceedings under Section 125 Cr.P.C. which are already pending before CJM, Patiala. This case can also be got fixed for the same date, which will be convenient to both the parties.

Keeping in view the above discussion, I find merit in the present application and the same is allowed. Therefore, the petition filed by the respondent under Section 9 of the Hindu Marriage Act pending in the Court of learned Civil Judge (Senior Division), Chandigarh, is transferred to the Court of District Judge, Patiala. The parties are directed to appear before learned District Judge, Patiala on 15.05.2015. Learned District Judge, Patiala may keep the case with him or entrust the same to some other competent Court for

disposal in accordance with law.

April 28, 2015
Vgulati

(INDERJIT SINGH)
JUDGE