

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

**Transfer Application No.482 of 2014
Date of Decision: April 27, 2015**

Parvinder Kaur

...Petitioner

Versus

Gurinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Narinder S.Lucky, Advocate,
for the petitioner.

- 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)

Despite service, none has proposed to appear on behalf of the respondent.

The present petition has been filed under Section 24 of CPC for transfer of petition tilted as “**Gurinder Singh vs. Parvinder Kaur**” filed under Section 13 of the Hindu Marriage Act, 1955, pending adjudication before learned Additional District Judge, Ferozepur, to the court of competent jurisdiction at Jalandhar.

Learned counsel for the petitioner/wife contends that the petitioner-wife has no resources to go to Ferozepur from Jalandhar where she is residing along with her minor daughter aged 05 years; the respondent/husband is a police constable at

Ferozepur who is constantly threatening the petitioner/wife not to appear in the court at Ferozepur for defending her case; and that the petitioner/wife had filed a petition under Section 125, Cr.P.C., which was accepted and the execution petition is pending at Jalandhar. He further points out that yet another petition under Section 25 of the Guardians and Wards Act for custody of the minor girl has been filed by the respondent/husband which is pending adjudication at Zira and a separate petition has been filed for transfer of the said petition from Zira to Jalandhar.

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

Despite service, no one has proposed to appear on behalf of the respondent/husband.

As per learned counsel, the petitioner is a mother of five years old female child and residing at Jalandhar which is approximately 120 km from Ferozepur where the divorce petition filed by the respondent/husband is pending adjudication. It has also been averred that the petitioner/wife has no means to visit Ferozepur on each and every date of hearing to defend her case. It has also been argued that her husband is a police constable who is extending threats to the

petitioner/wife not to defend her case.

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 “**Gurinder Singh vs. Parvinder Kaur**”

pending before the learned Additional District Judge Ferozepur, is transferred to the Board of learned District Judge, Jalandhar, who shall either try the said case himself/herself or assign to any other Additional District Judge of competent jurisdiction to try the said case in accordance with law. Learned Additional District Judge, Ferozepur, shall send the complete record of the above said case to the court of learned District Judge, Jalandhar, as soon as the copy of this order is received.

Disposed of accordingly.

The parties to the lis shall appear before learned District Judge, Jalandhar, on 27.05.2015.

April 27, 2015
seema

(Naresh Kumar Sanghi)
Judge