

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.731 of 2014

.....

Date of decision:4.8.2015

Sandeep Kaur alias Simmi

.....Petitioner

v.

Om Narayan Rall

.....Respondent

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Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ajay Arora, Advocate for Mr. Karambir Singh Kahlon,
Advocate for the petitioner.

Mr. Om Narayan Rall, respondent in person.

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Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. for transferring the petition filed under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') titled as "Sandeep Kaur Vs. Om Narayan Rall", by the petitioner pending in the Court of Additional Civil Judge (Senior Division), Shaheed Udham Singh Nagar (Nawanshahr) to any Court of competent jurisdiction at Pathankot.

Notice of this petition was given to the respondent, who appeared in person and contested this petition and requested that the case may not be transferred to Pathankot.

I have heard learned counsel for the petitioner and the

respondent, who appeared in person and have gone through the record.

In the petition, it is stated that the parties had matrimonial dispute earlier also and divorce petition filed by the respondent was transferred by this Court vide order dated 22.11.2011 to the Court of competent jurisdiction at Pathankot. Earlier the FIR was also registered, but a compromise was effected between the parties resultantly the cases were withdrawn and FIR was quashed. Matrimonial dispute again arose. As per the averments in the petition, there is minor child with petitioner Sandeep Kaur. It is difficult for her to visit Shaheed Udham Singh Nagar (Nawanshahr) from Pathankot along with her minor child. The minor child also cannot be left at home alone. Criminal proceedings under Sections 406 and 498-A IPC are also started at Pathankot. It is also stated that the distance between Shaheed Udham Singh Nagar (Nawanshahr) and Pathankot is 200 Kms. and it is inconvenient for the wife to visit such a long distance along with minor child. At the time of filing of petition, the child was 20 days old, who is now less than one year. It is also mentioned in the petition that the petitioner would also be filing petition under Section 125 Cr.P.C. etc. at Pathankot.

In matrimonial dispute cases, the convenience of the wife for transferring the proceedings are to be seen. It is difficult for the petitioner being lady to visit alone to Shaheed Udham Singh Nagar (Nawanshahr) which is stated to be at a distance of 200 kms.

Keeping in view the facts and circumstances of the present case and the above discussion, I find that no prejudice will be caused to the

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respondent, who has to appear in other proceedings at Pathankot. Rather, it will be convenient for the parties to get the dates fixed on one day by making request to the Courts.

In view of the above, I find merit in this petition and the same is accepted. The petition filed under Section 9 of the Act pending before learned Additional Civil Judge (Senior Division), Shaheed Udham Singh Nagar (Nawanshahr) is transferred to the Court of competent jurisdiction at Pathankot.

The parties are directed to appear before District Judge, Pathankot on 26.8.2015. The District Judge, Pathankot will be at liberty to keep this case with him or may entrust the same to any Court of competent jurisdiction at Pathankot, for disposal as per law.

The learned Additional Civil Judge (Senior Division), Shaheed Udham Singh Nagar (Nawanshahr), is directed to send the file of the above case to the learned District Judge, Pathankot well before the date fixed.

August 4, 2015.

(Inderjit Singh)
Judge

hsp