

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

i)

TA No. 132 of 2016 (O&M)
Date of decision: 18.5.2016

Kamaljit Kaur

.. Applicant

Vs.

Dharminder Kumar Jindal

... Respondent

ii)

TA No. 238 of 2016 (O&M)

Kamaljit Kaur

.. Applicant

Vs.

Vikramjeet Jindal

... Respondent

iii)

TA No. 262 of 2016 (O&M)

Kamaljit Kaur

.. Applicant

Vs.

Jagdish Kumar Jindal

... Respondent

iv)

TA No. 263 of 2016 (O&M)

Kamaljit Kaur

.. Applicant

Vs.

Sanjeev Kumar Jindal

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

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

Mr. B.D. Sharma, Advocate
for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant, by way of these four transfer applications under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband as well as three civil suits for recovery on account of damages for defamation, filed by her husband as well as his relatives, from Faridkot to Shaheed Bhagat Singh Nagar (Nawanshahr).

Notice of motion was issued.

Separate replies filed to each transfer application, in the Court today, are taken on record and copies thereof have been supplied to the learned counsel for the applicant.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant is working near Shaheed Bhagat Singh Nagar (Nawanshahr). She is staying with her parents at Shaheed Bhagat Singh Nagar (Nawanshahr). Distance between Faridkot and Shaheed Bhagat Singh Nagar (Nawanshahr) is more than 150 Kilometers. Other litigations, at the instance of the applicant-wife, are also pending at Shaheed Bhagat Singh Nagar (Nawanshahr).

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that all these transfer applications deserve to be allowed. It is so said because pendency of other litigations between the parties at particular place, Shaheed Bhagat Singh Nagar (Nawanshahr) in these cases, and distance between two places, besides the convenience of wife, are some of the relevant considerations for deciding the transfer application like the present one.

The abovesaid view taken by this Court also finds support from the earlier order dated 16.03.2016 passed by this Court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgments of the Hon'ble Supreme Court, as well as different High Courts, including this Court.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that all these four transfer applications deserve to be accepted and the same is hereby allowed. Petition under Section 9 of the HM Act filed by the respondent-husband titled as Dharminder Kumar Jindal Vs. Kamaljit Kaur and three civil suits titled as Vikramjeet Jindal Vs. Kamaljit Kaur, Jagdish Kumar Jindal Vs. Kamaljit Kaur and Sanjeev Kumar Jindal Vs. Kamaljit Kaur, are ordered to be transferred from Faridkot to Shaheed Bhagat Singh Nagar (Nawanshahr).

Accordingly, the learned District Judge, Faridkot, is directed to send complete record of the abovesaid cases to the learned District Judge, Shaheed Bhagat Singh Nagar (Nawanshahr), at an

early date but in any case within a period of one month from the date of receipt of certified copy of this order.

The learned District Judge, Shaheed Bhagat Singh Nagar (Nawanshahr) is also directed either to decide the abovesaid petition under Section 9 of the HM Act himself or assign it to the learned court of competent jurisdiction. He is further directed to assign the abovesaid civil suits to the learned court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

18.5.2016
AK Sharma