

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-545-2017 (O&M)

Date of decision: 23.03.2018

Rekha Rani

.....Petitioner

versus

Harmeharban Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Surinder Thakur, Advocate for the petitioner
Mr.Nakul Sharma, Advocate for the respondent

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Heard.

Petitioner seeks transfer of petition bearing no.HMA 76 of 2017 filed under Section 9 of Hindu Marriage Act, 1955 by the respondent titled as *Harmeharban Singh vs. Rekha Rani* pending before the Court of learned District Judge, Family Court, Jalandhar to a Court of competent jurisdiction at District Hoshiarpur.

It is contended that the parties have two children. Both of them are minor and are living with the petitioner. Petitioner has also filed a petition under Section 125 Cr.P.C. which is pending at Hoshiarpur Court. Therefore, the petitioner is unable to pursue her case at Jalandhar.

Learned counsel for respondent has relied upon the authorities in *Ridhima Juneja vs. Deven Juneja*, 2014(17) RCR (Civil) 466, *Anamika Pandey vs. Shrihar Pandey*, 2015(57) RCR (Civil) 318 and *Surajmukhi vs.*

Chhotu Ram, 2008(17) RCR (Civil) 698 and pressed that the convenience of the wife is not to be always considered.

I am of the view that it depends upon case to case. In this case, wife has got two minor children. She has to leave them for attending the Court at Jalandhar.

Keeping in view the fact that it is a matrimonial litigation, counsel will also require instructions whenever evidence is being recorded. Therefore, it is deemed proper in the given circumstances that the present case should be tried at Hoshiarpur Courts.

Accordingly, the petition bearing no.HMA 76 of 2017 filed under Section 9 of Hindu Marriage Act, 1955 by the respondent titled as *Harmeharban Singh vs. Rekha Rani* pending before the Court of District Judge, Family Court, Jalandhar is withdrawn from the said Court and is transferred to learned District Judge, Hoshiarpur, who may retain the same himself or entrust it to a Court of competent jurisdiction.

Present petition stands allowed accordingly.

Since the main case has been allowed, therefore, the pending CM, if any, also stands disposed of.

23.03.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No