

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

TA-552-2018 (O&M)
Date of Decision: 06.07.2018

Karandeep kaur

--Applicant

Versus

Amandeep Singh

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Naveen Malik, Advocate for the applicant.

TEJINDER SINGH DHINDSA.J (Oral)

The instant transfer application has been preferred under Section 24 of the Code of Civil Procedure seeking transfer of case bearing no. HMA 54 dated 15.10.2015 titled as 'Amandeep Singh Vs. Karandeep Kaur' pending before the court of learned Additional District Judge, Tarn Taran to a court of competent jurisdiction in Chandigarh.

Brief facts that would emanate from the pleadings on record are that the marriage of the applicant herein namely Karandeep Kaur was solemnized with the respondent on 22.6.2014 at Amritsar. Apparently, the matrimonial alliance between the parties ran into rough weather and it is pleaded that the respondent filed a divorce petition on 14.10.2015 at Tarn Taran after a period of 1 year and 4 months of the marriage. It is also averred that the respondent had got summons issued on a wrong address and on account of which the applicant had initially been proceeded as ex-parte but subsequently on an application moved, ex-parte orders passed by the court concerned have been set aside.

Learned counsel for applicant would vehemently contend that presently the applicant is residing in the city of Chandigarh and in a P.G accommodation. It is submitted that the applicant is pursuing a course in

Commercial Photography at Chandigarh. Further submitted that Tarn Taran is roughly at a distance of about 230 kms from Chandigarh and which entails a bus journey of 5/6 hours and which is highly inconvenient to the lady. Further contended that even though an application seeking maintenance had been filed by the applicant and maintenance amount of Rs.4,000/- had been fixed yet the same is not being regularly paid. Further contended that on every visit to Tarn Taran to attend to the court proceedings the applicant is harassed and even the maintenance amount is not being paid.

Having heard counsel for the applicant at length and having perused the pleadings on record, this Court is not inclined to intervene in the matter and accept the prayer of the applicant.

On a specific query having been put to counsel, it has been very fairly stated that parental home of the applicant is at Tarn Taran itself. It is admitted that parents of the applicant have their permanent residence in Tarn Taran. Even if the applicant is currently based in Chandigarh, it is a temporary stay as she is only pursuing a course in Commercial Photography so as to arm herself to make a living so as to sustain herself. Chandigarh cannot be taken to be her permanent place of residence. Undoubtedly, in matrimonial disputes convenience of the lady has to be kept in mind while considering a prayer for transfer of proceedings but in the instant case in view of the conceded position of fact that parental home of the applicant is at Tarn Taran, the prayer made in the application is declined.

Application is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

06.07.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No