

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

TA-828-2018

Date of decision:-19.3.2019

Rachandeep Kaur

...Applicant

Versus

Amandeep Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.A.S. Yadav, Advocate
for the applicant.

Ms.Rukhsaar Dhindsa, AAG, Punjab
for respondent No.3.

H.S. MADAAN, J.

By way of moving the present application, applicant – Rachandeep Kaur, aged about 33 years, presently residing with her parents at village Galib Ran Singh, Tehsil Jagraon, P.S. Sadar, Jagraon, District Ludhiana on account of matrimonial dispute with her husband Amandeep Singh, seeks transfer of civil suit filed by her husband against her, seeking grant of permanent injunction having title “Amandeep Singh Versus Rachandeep Kaur and Others”, pending in the Court of Additional Civil Judge (Sr.Divn.), Sardulgarh, District Mansa

to the Court of competent jurisdiction at Jagraon, District Ludhiana.

According to the applicant, her husband has filed the civil suit in question craving for grant of permanent injunction restraining defendant i.e. the present applicant to take away the minor son Gurwinder Singh and her husband had been successful in obtaining interim injunction order against the present applicant; that the applicant is a young woman having no source of income and distance between the place where she is residing with her maternal grandparents and Sardulgarh where the civil suit is pending is 140 kms. on one side, therefore, it is difficult for her to go from the place of her residence to Sardulgarh to attend the daytes of hearing there. Therefore, the application be allowed.

Notice of the application was given to the respondent No.1, who was duly served. However, there was no representation on his behalf.

I have heard learned counsel for the parties besides going through the record.

The civil suit in question is not in the form of direct matrimonial litigation between the spouses. Of course, the Court is sympathetic to women in case of matrimonial litigation, where appearance of the wife is required on certain occasions in connection with making efforts for reconciliation etc. But nature of the present case is such that personal appearance of defendant in the Court would be hardly required and she can appear there through counsel, though she may be required to appear in the Court on one or two occasions in connection with getting her statement recorded, if need be. As it comes

out the husband is having custody of the minor child.

Therefore, in my considered view, no case for transfer of the civil suit as prayed for in the application is made out.

The application is, therefore, dismissed.

19.3.2019

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**(H.S.MADAAN)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No