

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

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**TA No. 40 of 2021
Date of decision : 7.4.2021**

Ramanjot Kaur

.....Petitioner

Vs.

Anuraj Suppal

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. S.K. Singla, Advocate, for the petitioner

Ms. Rinki Gupta, Advocate, for the respondent

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Section 24 CPC seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, titled as Anurag Suppal v. Ramanjot Kaur, which is pending before the Court of Additional Civil Judge (Senior Division), Sangrur, to the competent Court of jurisdiction to Patiala Courts. Further prayer of the petitioner is to stay the proceedings of the aforesaid petition during the pendency of the present petition.

It is submitted by the counsel for the petitioner that the petitioner is having two minor daughters and it is very difficult for her to go to Sangrur to attend the Court proceedings. Furthermore, two cases registered at the instance of the present petitioner against the respondent are already pending before the Courts at Patiala. Counsel has also submitted that at present the petitioner is totally unemployed. Hence, attending the proceedings before the Courts at Sangrur, which is at a distance of about 70 Kms. would put extra burden on the meager resources of the petitioner. Hence, the petitioner craves for the transfer of the case from Sangrur to Patiala.

The counsel for the respondent has submitted that the present transfer application has been filed only to harass the respondent. The petitioner is already harassing the respondent by filing number of cases at Patiala. There is no ground for transferring the case from Sangrur to Patiala in this matter.

It is well settled by now that in the matters of the place of trial of

the matrimonial cases, the place which is convenient to the wife is the appropriate place for conduct of the proceedings. It is the convenience of the wife which is to be given precedence over the convenience of the husband in matters of place of conduct of cases. Moreover, this Court finds substance in the argument of the counsel for the petitioner that the petitioner is having two minor daughters and it would be difficult for her to travel to Sangrur; repeatedly; to attend the case. Another factor which is going in favour of the petitioner is that two more cases between the same parties are already pending at Courts at Patiala. Hence, if the present case is transferred to Patiala no extra prejudice will be caused to the respondent/husband. Hence, it is in the interest of justice if the petition under Section 9 of HMA, 1955 is ordered to be transferred from Courts at Sangrur to the competent Court at Patiala.

Accordingly, the petition filed under Section 9 of the Hindu Marriage Act, 1955, titled as Anurag Suppal v. Ramanjot Kaur, is ordered to be transferred from Sangrur to the competent Court at Patiala. The District & Sessions Judge, Sangrur is directed to ensure the transfer of the record of the case to the Courts at Patiala. The District & Sessions Judge, Patiala is directed to assign the case to the competent Court under his jurisdiction; after receipt of the record of the same from the Courts at Sangrur.

Disposed of in the above terms.

(RAJBIR SEHRAWAT)
JUDGE

7.4.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No