

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

**TA-194-2021 (O&M)
Date of Decision:05.04.2021**

Karamjit Kaur through her Attorney Jaswinder Kaur

.....Petitioner

Versus

Rajinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Balbir Kumar Saini, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Instant petition has been filed under Section 24 of the Civil Procedure Code, seeking transfer of a petition filed by the respondent/husband under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of Principal Judge, Family Court, Gurdaspur to a Court of competent jurisdiction at Moga.

Counsel submits that petitioner is a lady and is a mother of two minor daughters who are presently in the custody of their maternal grandmother at Moga. Even an application seeking maintenance under Section 125 Cr.P.C.has been filed at Moga and under such circumstances it is the convenience of the lady/wife which ought to prevail.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that prayer made in the instant petition does not merit acceptance.

Concededly petitioner is serving on the post of Constable under the BSF and is currently posted in the Jammu-Poonch Sector.

By virtue of such employment petitioner can certainly be said to be

financially independent. There would be also no constraints insofar as travel is concerned subject of course to getting leave from the competent authority. Factually counsel has not been able to dispute that Gurdaspur where proceedings are currently going on, would be far closer to her present place of posting as compared to Moga where she is seeking transfer.

It would also be apposite to take note that application under Section 125 Cr.P.C. has been filed by the petitioner only after having been served of the divorce petition. Petitions seeking transfer are not to be accepted in a routine and casual manner. No justifiable and special circumstances have been made out in the instant petition in support of the prayer seeking transfer of the Section 13 petition from Gurdaspur to Moga.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

April 05, 2021

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No