

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

TA No.458 of 2020

Date of Decision : 06.04.2021

Manpreet Kaur

....Petitioner

Versus

Harjit Singh

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

...

Present: Mr.Nitin Sachdeva, Advocate
for the petitioner.

Mr.H.S.Saggu, Advocate
for the respondent.

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Instant application has been preferred under Section 24 CPC seeking transfer of a Section 13 petition preferred by the respondent herein under the Hindu Marriage Act, from the Court of Principal Judge Family Court, Moga to a court of competent jurisdiction at Ludhiana.

Counsel for the parties have been heard and pleadings on record have been perused.

It has gone uncontroverted that petitioner is a lady aged about 40 years and is currently residing at Ludhiana along with her mother who is stated to be 85 years of age approximately. It is the case projected on behalf of the petitioner that she has no means to

sustain herself and she is totally dependent upon her mother. Both the petitioner and her mother are stated to be residing in a 3-Marla residential accommodation in Ludhiana. Distance between Moga and Ludhiana is stated to be 90 Kilometers approximately.

Under such circumstances, it is the wife's convenience that ought to prevail. A reference in this regard may be made to an order passed by the Apex Court in *Sumita Singh v. Kumar Sanjay and another*, AIR 2002 SC 396.

In the considered view of this Court the circumstances noticed hereinabove are sufficient to make the transfer application absolute.

Application is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Harjit Singh v. Manpreet Kaur” preferred by the respondent is directed to be transferred to the Court of learned District Judge, Ludhiana, who shall either try the case himself/herself or assign the same to a Court of competent jurisdiction at Ludhiana.

Parties are directed to appear before the Learned District Judge, Ludhiana on 26.04.2021.

Application allowed.

06.04.2021
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No