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

TA-510-2020

Date of decision : 18.03.2021

Kulwant Kaur

...Petitioner

Versus

Navdeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Deepak Arora, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

Prayer in the present petition is for transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (Annexure P-1) case No.HMA/1314/2020 titled as Navdeep Singh Vs. Kulwant Kaur, pending in the Court of Additional Principal Judge, Family Court Amritsar to a Court of competent jurisdiction at District Gurdaspur.

Notice of motion was issued on 05.11.2020. Respondent was served but there was no appearance on his behalf on 09.02.2021 and the position is same today also.

Keeping in view the above and the fact that the petitioner is a lady and as stated she has no male members in her family and it would be difficult for the petitioner-wife to travel from Gurdaspur to Amritsar, this

Court is of the opinion that the matter is liable to be transferred from Gurdaspur to Amritsar. Even otherwise, perusal of Annexure P-2 would go on to show that the petitioner and her minor daughter also filed application under Section 125 Cr.P.C. for grant of maintenance in the Court of Principal Judge, Family Court at Gurdaspur.

It is the case of the petitioner that the marriage had taken place at Gurdaspur as per the petition filed under Section 125 Cr.P.C. Thus, keeping in view the above, it would be in the interest of justice that the case is transferred at Family Court, Gurdaspur, keeping in view the other litigation initiated by the petitioner-wife, which is pending at Gurdaspur.

The Apex Court in Sumita Singh Vs. Kumar Sanjay & another 2001 (10) SCC 41 held that the convenience of the wife must be looked at and, thus, the said principle would apply in the facts and circumstances of the present case.

Accordingly, the petition is allowed. The District & Sessions Judge, Amritsar shall forward case No.HMA/1314/2020 titled as Navdeep Singh Vs. Kulwant Kaur, to the District & Sessions Judge, Gurdaspur, who shall mark it to the Court of competent jurisdiction. The parties shall put in appearance at Gurdaspur on 26.04.2021.

18.03.2021

Pawan

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No