

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

205

**T.A. No. 526 of 2020
Decided on :11.01.2021**

Nisha Rani

... Petitioners

Versus

Jaswinder Singh

... Respondents

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

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

None for the respondent.

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

G.S. Sandhawalia, J. (Oral)

The present petition has been filed under Section 24 of CPC for transfer of the case titled as 'Jaswinder Singh vs. Nisha Rani' pending in the Court of Additional District and Sessions Judge, Sangrur registered as HMA/517/2019 to a Court of competent jurisdiction at Patiala.

Notice of the present petition has been served upon the respondent, as per the office report but none had put in appearance on 04.12.2020. Even today, none has put in appearance on behalf of the husband to oppose the petition.

The case of the petitioner-wife is that the marriage with the respondent was solemnized on 07.04.2000 at Bhunerheri, Tehsil and District Patiala by way of Anand Karaj. The couple had three issues from the wedlock and the separation is since June, 2011. It is further averred that a petition under Section 125 Cr.P.C. is already pending before the Principal Judge, Family Court at Patiala. On account of the summons having been received from the Additional District and Sessions Judge, Sangrur on the petition filed under Section 13 of the Hindu Marriage Act, 1955.

(Annexure P-3), the cause of action has arisen. It is the contention of counsel for the petitioner that the respondent has not bothered to maintain the petitioner and she alongwith children are living at the mercy of her parents. Therefore, she has no means of travel for the purposes of attending Court hearing, the distance being 70 kilometers and it takes two hours to travel on the bus on one side.

Keeping in view the above facts and since the transfer has not been opposed also by the husband and who has failed to put in appearance and the fact that the marriage had also taken place at Bhunerheri, Tehsil and District Patiala at the parental house of the petitioner-wife, the Patiala Court would also have jurisdiction. Thus, it would be in the interest of justice if the matter is transferred to Patiala specially keeping in view that the litigation which had been initiated by the petitioner is already pending at Patiala.

The Apex Court in *Sumita Singh vs. Kumar Sanjay and 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 and Sessions Judge, Sangrur shall forward HMA/517/2019, 'Jaswinder Singh vs. Nisha Rani' to the District and Sessions Judge, Patiala, who shall mark it to the Court of competent jurisdiction. The parties shall put in appearance at Patiala on 22.02.2021.

11.01.2021
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No