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

Date of decision : 07.12.2021

1.

TA-997-2021(O&M)

Amandeep Kaur

... Petitioner(s)

Versus

Gurpreet Singh and others

... Respondent(s)

2.

TA-999-2021(O&M)

Amandeep Kaur

... Petitioner(s)

Versus

Gurpreet Singh

... Respondent(s)

3.

TA-1001-2021(O&M)

Amandeep Kaur

... Petitioner(s)

Versus

Gurpreet Singh

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. J.S. Lalli, Advocate
for the petitioner in all the cases.

Mr. Puneet K. Bansal, Advocate
for respondent No.1 in TA-997-2021 and
for the respondent in TA Nos.999 and 1001 of 2021.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

This order of mine shall disposed off three petitions being (i) TA No.997 of 2021; (ii) TA No.999 of 2021; and (iii) TA No.1001 of 2021, seeking transfer of three cases being (i) Civil Suit bearing No.*CS/1837/2020* titled as *“Gurpreet Singh Vs. Amandeep Kaur and others”*, (ii) petition bearing *DMC/348/2021* titled as *“Gurpreet Singh Vs. Amandeep Kaur”* filed under Section 9 of the Hindu Marriage Act, 1955 (in short the 'HM Act'); and (iii) a petition bearing *GW/81/2021* titled as *“Gurpreet Singh Vs. Amandeep Kaur”*, filed under Section 25 of the Guardian and Wards Act, 1890, respectively, from the Courts concerned at Ferozepur to the Courts of competent jurisdiction at Ludhiana.

Learned counsel for the petitioner would contend that the petitioner and respondent No.1 were married on 22.09.2009 and two children were born out of the said wedlock. The petitioner was made to leave the matrimonial house due to various differences and started living with her parents at Ludhiana. The petitioner is stated to be having no independent source of income and two minor children are residing with her. It has further been stated that a petition under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) has been filed by the petitioner-wife for grant of maintenance in the Court concerned at Ludhiana, however, till date no maintenance has been ordered/awarded. It is further the contention of learned counsel for the petitioner that one petition under Sections 12 read with Sections 18, 19 (8), 20 (d), 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act') is also pending in the Court concerned at Ludhiana. Learned counsel for the petitioner would further contend that the petitioner in order to defend the cases at

Ferozepur would have to travel a distance of approximately 125 kms (one way) along with her minor children and it is not feasible for her, financially or otherwise, to travel to Ferozepur on each date of hearing.

Learned counsel for the respondent-Gurpreet Singh has vehemently opposed the transfer of the cases and stated that the cases ought not to be transferred inasmuch as the children are now grown up and there would be no hindrance for the petitioner-wife to attend the proceedings at Ferozepur. However, learned counsel for the respondent-Gurpreet Singh is not in a position to deny that there are two cases already pending at Ludhiana and that the distance the petitioner-wife would have to travel in order to defend the case at Ferozepur is about 125 kms one way.

Learned counsel for the respondent-Gurpreet Singh has candidly admitted that no amount towards maintenance is being paid to the petitioner-wife since no maintenance has been awarded by the Court below. He also submitted that there is a chance of an amicable settlement between the parties and, hence, prays that the matter may be referred to the Mediation and Conciliation Centre.

Heard learned counsel for the parties.

In the present case, admittedly, the petitioner-wife is residing at Ludhiana along with her parents and has no independent source of income and is looking after her two minor children. In order to defend the cases at Ferozepur, she would have to travel a distance of approximately 250 kms (to and fro) on each date of hearing. Admittedly, two cases under Section 125 CrPC for grant of maintenance and a petition under the DV Act are already pending in the Courts concerned at Ludhiana.

The argument raised by learned counsel for the respondent-Gurpreet Singh that since the children are grown up and there would be no hindrance for the petitioner to travel to Ferozepur in order to defend the cases cannot be accepted inasmuch as being a single mother the petitioner cannot leave her minor children unattended for long hours.

In the totality of the aforesaid facts and circumstances, I deem it to be fit cases for transfer of the three cases being Civil Suit bearing No.*CS/1837/2020* titled as “*Gurpreet Singh Vs. Amandeep Kaur and others*”, petition i.e. *DMC/348/2021* titled as “*Gurpreet Singh Vs. Amandeep Kaur*” filed under Section 9 of the HM Act and the petition i.e. *GW/81/2021* titled as “*Gurpreet Singh Vs. Amandeep Kaur*”, filed under Section 25 of the Guardian and Wards Act, 1890, from the Courts concerned at Ferozepur to the Courts of competent jurisdiction at Ludhiana. Ordered accordingly.

Since the learned counsel for the respondent-Gurpreet Singh has stated that there is a chance of an amicable settlement between the parties, the concerned Courts at Ludhiana shall first refer the matters to Mediation before proceeding with the matters on merits.

The records of the cases shall be sent by the concerned Court to the Court of the learned District Judge, Ludhiana and the parties shall appear there on 24.01.2022 at 10.00 a.m.

The present petitions are disposed off in the above terms.

07.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO