

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

**Transfer Application No. 27 of 2022  
Date of decision: 20.12.2022**

**Noor Amrit Kaur Mangat**

**.....Petitioner**

**vs**

**Alam Singh**

**.....Respondent**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Achin Gupta, Advocate  
for the petitioner.

Mr. D.P.S. Randhawa, Advocate  
For the respondent.

**NIDHI GUPTA, J.(Oral)**

1. Prayer in this petition filed by petitioner-wife is for transfer of the petition filed by respondent-husband under Section 13(i)(i-a) of the Hindu Marriage Act,1955 (for short 'the Act') titled "Alam Singh vs. Noor Amrit Kaur Mangat" pending in the Court of Principal Judge, Family Court, Panchkula to a Court of competent jurisdiction at Faridkot.

2. Learned counsel for the petitioner has contended :-

- i) That the parties were married on 01.11.2020 according to Sikh rites and rituals at Panchkula.
- ii) That no child was born out of this wedlock.
- iii) That the petitioner-wife is living separately from the respondent-husband since 20.5.2021 and living with her widow mother at her mercy at Faridkot.

- iv) That the petitioner is working as a teacher in a private school and the respondent-husband is not paying anything to her towards maintenance.
- v) The respondent-husband has filed the petition under Section 13(i)(i-a) of the Hindu Marriage Act, which is pending before the Principal Judge, Family Court, Panchkula.

The proceedings arising out of petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005; filed by the petitioner-wife, are pending in the Courts having competent jurisdiction at Faridkot.

- v) That the distance between place of residence of the petitioner-wife i.e. Faridkot and the place of proceedings under Section 13(i)(i-a) of the Hindu Marriage Act, 1955 filed by the respondent-husband, pending before the Principal Judge, Family Court, Panchkula, is about 240 kilometers of one side.
  - vi) That there is no proficient male member in the family of the petitioner, who can accompany her to the Court of proceedings at Panchkula.
3. It is inter alia on these grounds that petitioner prays for transfer of the case, as detailed in para 1 above.
4. Upon notice, respondent has put in appearance through his counsel and vide order dated 15.3.2022 passed by Co-ordinate Bench of this Court, the matter was referred to the Mediation & Conciliation Center of this Court but vide report of the Mediator dated 09.09.2022, the mediation could not succeed.
5. To controvert the petition filed by the petitioner-wife, the respondent has filed his reply and raised the following contentions :-

- a) That the petitioner has not come to the Court with clean hands and suppressed the material facts that the respondent-husband is working as Captain in Spice Jet and resident of G/1405, Corona Optus, Sector 37-C, Gurugram and office address is Delhi International Airport (P) Ltd., Indira Gandhi International Airport Terminal 1D, New Delhi.
- b) That because the marriage between the parties was solemnized at Panchkula and the case filed by the respondent-husband under Section 13(i)(i-a) of the Act is pending at Family Court, Panchkula, the respondent-husband has also to visit to Panchkula to pursue the proceedings from Gurugram, where he is presently residing and because of nature of his job, the time is matters and as the transportation from Gurugram to Chandigarh is well connected, so he is having no problem to come to attend the Court proceedings at Panchkula but in case the matter is transferred to Faridkot, it would be very difficult for him to reach there because of transportation issue and this would affect his job very badly. The respondent in order to prove his address proof, annexed Annexure R-1 (Identity Card issued by the Spice Jet) and Annexure R-2 (Rent Deed).
- c) That the respondent has also arranged the membership of Panchkula Golf Club for the petitioner vide membership No.MW-474, copy of the same is annexed herewith as Annexure R-3.

6. No other ground whatsoever has been taken by the respondent in his reply.

7. I have heard learned counsel for the parties.

8. The legal position in such like cases as the present one, is well established. In this regard, judgment of the Hon'ble Supreme

Court rendered in **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha,” 2022 Live Law (SC) 627**, is most relevant wherein the Hon’ble Supreme Court has held as under:-

“9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

9. Further reliance can be placed upon the judgments in **“Sumita Singh vs Kumar Sanjay”, 2002 SC 396** and **“Rajani Kishor Pardeshivs Kishor Babulal Pardeshi”, 2005(12) SCC 237**, wherein the Hon’ble Supreme Court has observed that “while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”

10. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, it is well settled that while

considering the transfer of a matrimonial dispute/case, at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member of her family, connectivity of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.

11. In view of the facts mentioned above and the judgments i.e. **Sumita Singh's** case (supra), **Rajani Kishor Pardeshi's** case (supra) and **N.C.V. Aishwarya's** case (supra) passed by the Hon'ble Supreme Court, this Court deems it appropriate to allow the present petition, subject to the following conditions:-

- a) The petition filed by respondent husband under Section 13(i)(i-a) of Hindu Marriage Act, 1955, titled as 'Alam Singh vs. Noor Amrit Kaur Mangat', pending in the Court of Principal Judge, Family Court, Panchkula is transferred to a Court of competent jurisdiction at Faridkot.
- b) The Id. District Judge, Panchkula is directed to transfer complete record pertaining to the aforesaid case to District Judge, Faridkot.
- c) The parties are directed to appear before the District & Sessions Judge, Faridkot on 23.1.2023.
- d) The District Judge, Faridkot will assign the said petition to the Court of competent jurisdiction.

8. The concerned Court at Faridkot will make all endeavour to refer the case before the Mediation and Conciliation Centre for

exploring the possibility of some amicable settlement between the parties.

9. The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.

11. I am supported by the decisions rendered by a Co-ordinate Bench of this Court in **TA No. 1315/2022, Rohini Arora v Nitin Talwar; TA No. 1322 of 2022, Jaswinder Kaur v Gurvinderjeet Singh; and TA No. 1323 of 2022, Usha Rani v Karmajit Singh.**

Disposed of.

Pending application(s), if any, stands disposed of.

**December 20, 2022**

Vijay Asija

**( NIDHI GUPTA )  
JUDGE**

Whether speaking/reasoned YES/NO

Whether Reportable YES/NO