

TA-121-2022 (O&M)

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

**TA-121-2022 (O&M).
Decided on: 12.07.2022.**

Rama Arora

.. Petitioner

VERSUS

Arun Sharma

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Ms.Ramanpreet Kaur, Advocate, for
Mr.Saleem Ahmed, Advocate,
for the petitioner.**

ARVIND SINGH SANGWAN, J. (ORAL)

This petition has been filed by the wife seeking the transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing No.HMA/519/2020, pending in the Court of District Judge, Family Court at Amritsar to the Court of competent jurisdiction at Faridabad.

The petitioner claims that she got married to the respondent on 27.04.2013. She claims that, at present, she is residing with her aged parents at Faridabad and the distance between Amritsar and Faridabad is more than 500 Kms.

Learned counsel for the petitioner contends that respondent (husband) is already defending two cases at District Court, Faridabad i.e. a petition under Section 125 Cr.P.C and an application under Protection of Women from Domestic Violence Act, 2005.

Counsel for the petitioner has relied upon the judgments “Sumita Singh vs Kumar Sanjay”, 2002 SC 396 and “Rajani Kishor Pardeshi vs 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.*”

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.

As per office report, notice has been served upon the respondent, however, there is no representation on behalf of the respondent.

After hearing the learned counsel for the petitioner and

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considering the facts and circumstances of this case, the present petition is allowed. The petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing No.HMA/519/2020, pending in the Court of District Judge, Family Court at Amritsar will be transferred to the Court of competent jurisdiction at Faridabad.

The parties are directed to appear before the District Judge, Faridabad, on 8.8.2022. It will be open to the District Judge, Faridabad, to entrust the case to the Court of competent jurisdiction.

File, complete in all respects, be sent to the Court of District Judge, Faridabad, well before the date fixed.

July 12, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No