

TA-59-2022 (O&M)

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

**TA-59-2022 (O&M).
Decided on: 12.07.2022.**

Gagandeep Kaur

.. Petitioner

VERSUS

Manpreet Singh

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Mr.R.S.Bajaj, Advocate,
for the petitioner.**

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, titled as “Manpreet Singh Vs. Gagandeep Kaur”, HMA Case No.294 of 2021, pending in the Court of learned Principal Judge, Family Court, Dhuri, to the competent Court of jurisdiction at Jalandhar.

Learned counsel, inter alia, contends that after the petitioner was thrown out of her matrimonial home by the respondent, she is residing with her parents at Jalandhar and living at their mercy. It would, therefore, be very difficult for her to travel alone from Jalandhar to Dhuri, which is almost 125 kms away, on each and every date of hearing. Learned counsel further submits that the petitioner has already filed petition under

Section 13 of the Hindu Marriage Act at Jalandhar, while the petition under Section 9 of the Hindu Marriage Act was filed by the respondent later on, in Family Court, Sangrur, Camp at Dhuri, just to harass the petitioner. It has also been submitted that the petitioner is not averse to exploring the possibility of an amicable settlement before the Mediation and Conciliation Centre.

Counsel for the petitioner submits that the petitioner is unable to travel to and fro from Jalandhar to Dhuri to attend the Court proceedings without the assistance of a male member of the family and in that process, she has to bear travelling and litigation expenses.

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

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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, respondent has been served but nobody has appeared on behalf of the respondent.

Since there is no representation on behalf of the respondent despite service, the present petition is allowed. The petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, titled as “Manpreet Singh Vs. Gagandeep Kaur”, HMA Case No.294 of 2021, pending in the Court of learned Principal Judge, Family Court, Dhuri, will be transferred to the competent Court of jurisdiction at Jalandhar.

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

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

July 12, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No