

TA-65-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

TA-65-2022 (O&M).
Decided on: 12.07.2022.

Poonam

.. Petitioner

VERSUS

Rishi Kumar and another

.. Respondents

* * *

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

* * *

PRESENT Mr.Ramender Chauhan, 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 13 (1)(i)(i-a)(i-b) of the Hindu Marriage Act, pending in the Court of learned District Judge, Family Court, Jhajjar, District Jhajjar, to the competent Court of jurisdiction at Bhiwani.

Learned counsel submits that the applicant along with her three minor children have been residing at Bhiwani and she would thus be greatly inconvenienced to travel to Jhajjar which is about 60 kms. away to participate in the proceedings in the case under Section 13(1)(i)(i-a)(i-b) of the Hindu Marriage Act, 1955 instituted at the instance of the respondent.

On a pointed query put to the learned counsel, he submits that another case

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under Sections 7, 9 and 25 of the Guardian & Wards Act, 1890 has also been instituted by the husband which is pending consideration before a competent court at Jhajjar.

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.

In pursuance of the notice of motion, as per office report respondents are served, however, there is no representation on behalf of the respondents.

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In view of the averments made in the present petition, the same is allowed. The petition filed by the respondent-husband under Section 13 (1)(i)(i-a)(i-b) of the Hindu Marriage Act, pending in the Court of learned District Judge, Family Court, Jhajjar, District Jhajjar, will be transferred to the competent Court of jurisdiction at Bhiwani.

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

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

July 12, 2022.
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No