

TA-218-2022 (O&M)

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

**TA-218-2022 (O&M).
Decided on: 12.07.2022.**

Sonia

.. Petitioner

VERSUS

Bhupinder Kumar

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Mr.Rahul Arora, Advocate, for
for the petitioner.**

ARVIND SINGH SANGWAN, J. (ORAL)

The instant petition has been filed by the wife for transfer of petition under Section 9 of the Hindu Marriage Act bearing No. HMA/3130/2021 titled as “Bhupinder Kumar v. Sonia” from the Court of Principal Judge, Family Court, Ludhiana to a Court of competent jurisdiction at Zira, District Ferozepur.

Learned counsel submits that prior to the institution of the petition under Section 9 of the Hindu Marriage Act by the respondent two cases already stood filed by the applicant, one under Section 125 Cr.P.C. on 09.12.2021 and another complaint case under Sections 506/34 IPC on 07.12.2021. Learned counsel submits that since the distance between

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Ludhiana and Zira is approximately 85 kms. the petitioner would be greatly inconvenienced to travel more than 70 kms. on each and every date of hearing for attending the proceedings in a case at Ludhiana.

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, service has been effected through the brother of 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 9 of the Hindu Marriage Act bearing No. HMA/3130/2021 titled as “Bhupinder Kumar v. Sonia” from the Court of Principal Judge, Family Court, Ludhiana, will be transferred to a Court of competent jurisdiction at Zira, District Ferozepur.

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

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

July 12, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No