

TA-97-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

TA-97-2022 (O&M).  
Decided on: 12.07.2022.

Shveta @ Bhavika

.. Petitioner

VERSUS

Ashu Nagpal

.. Respondent

\* \* \*

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

\* \* \*

PRESENT Mr.Amit Arora, Advocate,  
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

The applicant is seeking transfer of a petition bearing No.HMA/280/2021 titled as 'Ashu Nagpal Vs. Shaveta @ Bhavika' filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 which is pending in the Court of learned Principal Judge, Family Court (Camp Court), Sunam (Annexure P-1), to a Court of competent jurisdiction at Rohtak, which is 200 kms. away.

Learned counsel for the applicant submits that the applicant is residing at Rohtak where following three other cases are already pending between the parties:-

i) Petition under Section 125 Cr.P.C.

ii) Case in FIR under Section 498-A IPC.

iii) Petition under the Guardians and Wards Act, 1890  
qua custody of the child of the parties.

Learned counsel submits that the petition instituted under Section 9 of the Hindu Marriage Act, 1955 is still at the initial stage.

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.

**TA-97-2022 (O&M)**

After hearing the learned counsel for the petitioner and considering the facts and circumstances of this case, the present petition is allowed. The petition bearing No.HMA/280/2021 titled as 'Ashu Nagpal Vs. Shaveta @ Bhavika' filed by the respondent under Section 9 of the Hindu Marriage Act, 1955, pending in the Court of learned Principal Judge, Family Court (Camp Court), Sunam (Annexure P-1), will be transferred to a Court of competent jurisdiction at Rohtak.

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

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

**July 12, 2022.**  
**raj arora**

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

Whether speaking / reasoned  
Whether reportable

Yes / No  
Yes / No