

TA-105-2022 (O&M)

221

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

**TA-105-2022 (O&M).
Decided on: 13.07.2022.**

Pooja @ Deepika Rani

.. Petitioner

VERSUS

Lalit Goyal

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Mr.Kuldeep Singh Siwach, Advocate, for
Mr.P.S.Dhaliwa, 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 of the Hindu Marriage Act, titled as “Lalit Goyal Vs. Pooja” DMC No.1492 of 2021, pending in the Court of learned District Judge, Bathinda, to the competent Court of jurisdiction at District Barnala.

Learned counsel for the petitioner submits that the petitioner is residing at Barnala whereas the respondent has filed the petition under Section 13 of the Hindu Marriage Act, at Bathinda. He further submits that the petitioner is having a minor child from her first marriage living in

the care and custody of the petitioner and therefore, it would be difficult for her to travel to and fro from Barnala to Bathinda and she has to bear the expenses of travelling and litigation.

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, respondent has been served through his father, however, there is no representation on behalf of the respondent.

After hearing the learned counsel for the petitioner and considering the facts and circumstances of this case, the present petition is

TA-105-2022 (O&M)

allowed. The petition filed under Section 13 of the Hindu Marriage Act, titled as “Lalit Goyal Vs. Pooja” DMC No.1492 of 2021, pending in the Court of learned District Judge, Bathinda, will be transferred to the competent Court of jurisdiction at District Barnala.

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

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

Pending misc. applications, if any, shall also stand disposed of accordingly.

July 13, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No