

TA-96-2022 (O&M)

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

**TA-96-2022 (O&M).
Decided on: 12.07.2022.**

Manpreet Kaur

.. Petitioner

VERSUS

Jagpreet Singh

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Ms.Gurmeet Kaur, Advocate, for
Mr.Rajesh Duhan, 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 “Jagpreet Singh Vs. Manpreet Kaur” HMA No.37 of 2021, pending in the Court of learned Addl. Principal Judge, Family Court, (Camp Court at Samana), Patiala, to the competent Court of jurisdiction at Kaithal.

Counsel for the petitioner submits that the petitioner has already filed an application under Section 125 Cr.P.C. and a petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending at District Courts Guhla, District Kaithal. Counsel further

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submits that now the respondent-husband has filed petition under Section 13 of the Hindu Marriage Act at Patiala and therefore, the same may be transferred to Kaithal.

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.

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 allowed. The petition filed by the respondent-husband under Section 13 of

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the Hindu Marriage Act, titled as “Jagpreet Singh Vs. Manpreet Kaur”
HMA No.37 of 2021, pending in the Court of learned Addl. Principal Judge,
Family Court, (Camp Court at Samana), Patiala, will be transferred to the
competent Court of jurisdiction at Kaithal.

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

File, complete in all respects, be sent to the Court of
District Judge, Kaithal, 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