

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

TA-181-2022 (O&M)  
Date of decision: 26.07.2022

Parvinder Kaur

....Petitioner

Vs.

Manjinder Singh

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Ms. Divya Narula, Advocate for  
Mr. Ajay Arora, Advocate  
for the petitioner.

None for the respondent.

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**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, pending before the Family Court, Faridkot to the competent Court of jurisdiction at Sirsa.

While issuing notice of motion, following order was passed by this Court on 11.03.2022: -

*“This petition has been filed by the wife seeking the transfer of*

*the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing No.HMA/603/2019, titled as 'Manjinder Singh vs. Parvinder Kaur' pending in the Court of Principal Judge, Family Court, Faridkot to the Court of competent jurisdiction at Sirsa.*

*The petitioner claims that she got married to the respondent on 09.03.2014. She further claims that, at present, she alongwith her minor child, is residing with her aged parents at Sirsa and the distance between Sirsa and Faridkot is more than 300 Kms. The petitioner further claims that she cannot properly defend the petition at Faridkot.*

*Learned counsel for the petitioner contends that respondent (husband) is already defending two cases at Sirsa i.e FIR no.211 dated 22.12.2019 under Section 323, 34, 354-A, 406, 498-A, 506 IPC and a petition under Section 125 Cr.P.C.”*

Learned counsel 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 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.”*

As per office report, respondent is served, however, there is no representation on his behalf.

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 family condition of the wife, custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important, 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.

After hearing the counsel for the petitioner, considering the fact that the petitioner-wife will have to bear the litigation expenses and transportation expenses and in view of the judgments in **Sumita Singh’s** case (supra) and **Rajani Kishor Pardeshi’s** case (supra) passed by the Hon’ble Supreme Court, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

- 1. The petition filed under Section 9 of the Hindu Marriage Act, pending before the Family Court, Faridkot will be transferred to the competent Court of jurisdiction at Sirsa.*
- 2. The District Judge, Sirsa will assign the said petition to the competent Court of jurisdiction.*
- 3. The Family Court, Faridkot is directed to transfer all the*

*record pertaining to the aforesaid case(s) to District Judge,  
Sirsa.*

*4. The parties are directed to appear before the Family Court,  
Sirsa within a period of 01 month from today.*

Present petition is disposed of accordingly.

**[ ARVIND SINGH SANGWAN ]  
JUDGE**

26.07.2022

*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No