

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-209-2020 (O&M)
Date of decision: 13.07.2022

Daljeet Kaur

....Petitioner

Vs.

Sujit Mandal

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Daljeet Kaur-petitioner in person.

None for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the civil suit filed by the respondent, pending in the Court at Rupnagar, to the competent Court of jurisdiction at Patiala.

The petitioner, who is appearing in person, has submitted that the respondent has filed a civil suit at Rupnagar, however, she is unable to defend the same, as she is not in a position to bear the litigation expenses and travelling expenses. It is further submitted that she is aged about 60 years and is facing great difficulty in prosecuting the said case, as there is a distance of about 80 kms between Rupnagar and Patiala.

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, the 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 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 Civil Suit filed by the respondent, pending in the Court at Rupnagar will be transferred to the competent Court of jurisdiction at Patiala.*
- 2. The District Judge, Patiala, will assign the said civil suit to the competent Court of jurisdiction.*

Present petition is disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

13.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No