

TA-254-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

TA-254-2022 (O&M).
Decided on: 13.07.2022.

Gagandeep Kaur @ Gagan Kaur

.. Petitioner

VERSUS

Rashpal Singh

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

* * *

PRESENT Mr.Nishan Singh Chahal, 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 “Rashpal Singh Vs. Gagandeep Kaur @ Gagan Kaur” HMA No.393 of 2021, pending in the Court of learned Principal Judge, Family Court, Sri Muktsar Sahib (Punjab), to the competent Court of jurisdiction at Faridkot (Punjab).

Learned counsel, inter alia, contends that after petitioner was thrown out of her matrimonial home by the respondent, she along with her minor child had been residing with her parents at Faridkot and living at

their mercy. It would, therefore, be very difficult for her to travel alone from Faridkot to Sri Muktsar Sahib, which is almost 112 kms away, on each and every date of hearing, as she is an illiterate lady.

On a pointed query put to learned counsel as to whether any other case is pending between the parties, he submits that one petition under Section 125 Cr.PC is pending before the Court at Faridkot, which however, were instituted after petition under Section 13 of Hindu Marriage Act was filed by the respondent.

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

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litigation charges and travelling expenses.

As per office report, respondent has been duly served, 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 allowed. The petition filed under Section 13 of the Hindu Marriage Act, titled as “Rashpal Singh Vs. Gagandeep Kaur @ Gagan Kaur” HMA No.393 of 2021, pending in the Court of learned Principal Judge, Family Court, Sri Muktsar Sahib (Punjab), will be transferred to the competent Court of jurisdiction at Faridkot (Punjab).

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

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

July 13, 2022.
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No