

TA-444-2021 (O&M)

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

**TA-444-2021 (O&M).
Decided on: 12.07.2022.**

Sukhbir Kaur

.. Petitioner

VERSUS

Mohan Singh

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Mr.Fateh Saini, Advocate,
for the petitioner.**

**Mr.Rakesh Gupta, Advocate,
for the respondent.**

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, titled as “Mohan Singh Vs. Sukhbir Kaur” DMC No.198 of 2021, pending in the Court of learned Family Court, Patiala, to the competent Court of jurisdiction at Ambala.

Counsel for the petitioner submits that the petitioner is unable to bear the expenses for going from Ambala to Patiala, as the petitioner is having one minor child who is living in the care and custody of

the petitioner.

Counsel for the respondent has not disputed the factual position, however, he has opposed the prayer.

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.

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 9 of the Hindu Marriage Act, titled as “Mohan Singh Vs. Sukhbir Kaur” DMC

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No.198 of 2021, pending in the Court of learned Family Court, Patiala, will be transferred to the competent Court of jurisdiction at Ambala.

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

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

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

July 12, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No