

TA-478-2021 (O&M)

223

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

**TA-478-2021 (O&M).
Decided on: 12.07.2022.**

Arti Aggarwal

.. Petitioner

VERSUS

Aman Garg

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Mr.Navneet Jindal, Advocate,
 for the petitioner.**

**Mr.Saurabh Singla, 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 13 of the Hindu Marriage Act, titled as “Aman Garg Vs. Arti Aggarwal”, pending in the Court of learned Principal Judge, Family Court, (Camp Court Samana) Samana, District, Patiala, to the competent Court of jurisdiction at Roopnagar (Punjab).

Counsel for the petitioner submits that the petitioner is residing at Roopnagar and a minor child is also in her care and custody. He submits that petitioner has also filed a petition under Section 125 Cr.P.C. for the grant of maintenance to the child as well as a complaint under Section 12

of the Protection of Women from Domestic Violence Act, which are also pending at Roopnagar.

Counsel for the petitioner further submits that it will be difficult for the petitioner to travel to and fro from Roopnagar to Patiala, to attend the court proceedings.

Reply on behalf of the respondent-husband has also been filed wherein it is stated that he is running a shop and it is difficult for him to travel to Roopnagar.

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

TA-478-2021 (O&M)

litigation charges and travelling expenses.

After hearing the learned counsel for the parties 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 the Hindu Marriage Act, titled as “Aman Garg Vs. Arti Aggarwal”, pending in the Court of learned Principal Judge, Family Court, (Camp Court Samana) Samana, District, Patiala, will be transferred to the competent Court of jurisdiction at Roopnagar (Punjab).

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

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

July 12, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No