

TA-198-2021 (O&M)

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

**TA-198-2021 (O&M).
Decided on: 12.07.2022.**

Shikha

.. Petitioner

VERSUS

Rahul

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Mr.S.S.Dinarpur, 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 10 of the Hindu Marriage Act, titled as “Rahul Vs. Sikha” HMA No.1035 of 2019, pending in the Court of learned Additional Principal Judge, Family Court, Karnal, to the competent Court of jurisdiction at Ambala.

Learned counsel for the petitioner submits that the petitioner is unable to attend the Court at Karnal, as she has to bear the litigation and travelling expenses and she cannot travel alone without the help of a male member in the family. He further submits that petitioner has already got registered FIR No.493 dated 19.12.2019 under Sections 323, 406, 498-A and 506 IPC, at Police Station Ambala City.

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.

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 by the respondent-husband under Section 10 of the Hindu Marriage Act, titled as “Rahul Vs. Sikha” HMA No.1035 of 2019, pending in the Court of learned Additional Principal Judge, Family Court, Karnal, will be transferred to the competent Court of jurisdiction at Ambala.

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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.

July 12, 2022.	(ARVIND SINGH SANGWAN)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No