

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

TA-485-2022 (O&M)
Date of decision: 22.07.2022

Bharti Goyal**...Petitioner**

Versus

Triptanshu Jindal**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Ms. Roja Agnihotri, Advocate
for the petitioner.

Mr. Rahul Vohra, Advocate for
Mr. Arnav Kumar, 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(1)(i-a) of the Hindu Marriage Act, 1955, titled as ***Triptanshu Jindal vs. Bharti Goyal***, pending before the Family Court, Ambala to the competent Court of jurisdiction at Patiala.

On 17.05.2022, while issuing notice of motion, the following order was passed:

“Learned counsel contends that the petitioner was married on 23.10.2019 whereafter she was turned out from the matrimonial home at Ambala in the year 2021 and since then she is residing alongwith her parents at Nabha. Learned counsel for the petitioner states that the petitioner is not getting any maintenance nor has any source of income whereas the respondent has instituted divorce proceedings at Ambala and that in the circumstances, it is not possible for the petitioner to participate in the proceedings at Ambala on account of the distance, there being no other family member to

accompany her and she having no independent source of income.

Notice of motion for 22.07.2022.

In the meantime, proceedings listed before the Family Court at Ambala for today be deferred to a date beyond the date fixed before this Court.”

Learned counsel for the petitioner has argued that on account of a matrimonial discord, the petitioner is residing with her parents at Nabha and she has no source of income and is fully dependent upon her parents. It is further submitted that the respondent-husband has filed the present petition under Section 13(1)(i-a) of the Hindu Marriage Act at Ambala in order to harass the petitioner-wife. It is further submitted that the petitioner is facing great difficulty in prosecuting the said case, as there is a distance of about 90 kms between Ambala and Nabha.

It is further submitted that the petitioner is having a minor daughter of eight months of age, who is living in her care and custody, therefore, it is very difficult for her to defend the said case at Ambala.

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.*”

Learned counsel for the respondent-husband has opposed the

prayer of the petitioner-wife.

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 if the aforesaid petition is not transferred, the petitioner-wife will have to bear the litigation expenses and transportation expenses and also in view of the ratio of law laid down by Hon'ble Supreme Court in **Sumita Singh's** case (supra) and **Rajani Kishor Pardeshi's** case (supra), this Court deems it appropriate to allow the present petition, with the following directions:-

- (i) *The petition filed under Section 13(1)(i-a) of the Hindu Marriage Act, pending before the Family Court, Ambala will be transferred to the competent Court of jurisdiction at Patiala.*
- (ii) *The District Judge, Patiala will assign the said petition to the competent Court of jurisdiction.*
- (iii) *The Family Court, Ambala is directed to transfer all the record pertaining to the aforesaid case to District Judge, Patiala.*
- (iv) *The parties are directed to appear before the trial Court at Patiala within a period of 01 month from today.*

22.07.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No