

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

**TA No.618 of 2022 (O&M)
Date of decision: 11.07.2022**

Sumit Kaur

....Petitioner

Versus

Gurpreet Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Suri, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the petition filed under Section 9 of the Hindu Marriage Act, pending in the Family Court, Ambala to the competent Court of jurisdiction at Patiala.

Counsel for the petitioner has argued that on account of a matrimonial discord, the petitioner has filed a petition under Section 125 Cr.P.C. and also got registered an FIR under Sections 406 and 498-A IPC at Patiala.

Counsel for the petitioner has further submitted that the respondent/husband has filed the petition under Section 9 of the Hindu Marriage Act, as a counter-blast, before the Principal Judge, Family Court, Ambala.

Counsel for the petitioner has also argued that on account of a petition filed by the respondent/husband, the petitioner is facing great difficulty in prosecuting the said case as there is a distance of about 55 Kms from Patiala to Ambala.

Counsel for the petitioners has lastly, submitted that the

petitioner is having 02 minor children, who are living in her care and custody and she is facing difficulty to defend the case.

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.”*

After hearing the counsel for the petitioner, considering the fact that issuance of notice to the respondent has the consequences of staying further proceedings before the trial Court and in view of the judgments i.e. **Sumita Singh’s case (supra)** and **Rajani Kishor Pardeshi’s case (supra)** passed by the Hon’ble Supreme Court, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

1. *The petition filed under Section 9 of the Hindu Marriage Act, pending before the Family Court, Ambala will be transferred to the competent Court of jurisdiction at Patiala.*
2. *The District Judge, Patiala, will assign the said petition to the competent Court of jurisdiction.*

However, liberty is granted to the respondent to revive this petition, if he intent to contest the same, provided that:-

- (a) *The respondent will clear all the maintenance amount, if any, in terms of a petition filed by the petitioner.*
- (b) *The respondent will undertake to pay Rs.1,000/- per day, to the petitioner for attending the Court proceedings at Ambala, on each and every date of hearing.*
- (c) *The respondent will bring a demand draft of Rs.25,000/- towards the litigation expenses of the petitioner to pursue the case at Ambala in case the respondent opt to contest this petition.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

11.07.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No