

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

**TA-687-2021 (O&M)
Date of decision: 22.07.2022**

Harleen Kaur

...Petitioner

Versus

Gurpreet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Gupta, Advocate
for the petitioner.

Mr. Prateek Sodhi, 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, 1955, titled as ***Gurpreet Singh vs. Harleen Kaur***, pending before the Family Court, Bathinda to the competent Court of jurisdiction at Patiala.

Learned 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.; a petition under Section 12 of the Protection of Women from Domestic Violence Act and has also got registered an FIR under Sections 498-A and 406 IPC at Patiala, which are pending and as a counter-blast to the same, the respondent-husband has filed the present petition under Section 13 of the Hindu Marriage Act Bathinda 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 150 kms between the aforesaid two places.

It is further submitted that the petitioner-wife has no source of

income, though the respondent-husband is a Chartered Accountant and he can easily afford to appear before the Court at Patiala.

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 by submitting that the respondent-husband has already filed two petitions before this Court seeking quashing of the proceedings under the aforesaid FIR as well as the petition under DV Act.

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 of the Hindu Marriage Act, pending before the Family Court, Bathinda 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, Bathinda 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*