

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-740-2022 (O&M)
Date of decision: 25.07.2022

Nisha

....Petitioner

Vs.

Anita

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the civil suit filed by the respondent/mother-in-law of the petitioner, titled as Smt. Anita Vs. Happy and another, pending in the Court of Civil Judge (Jr. Divn), Jalandhar to the competent Court of jurisdiction at Panipat.

Learned counsel for the petitioner has argued that vide order dated 21.07.2022 passed in TA-718-2022, divorce petition filed by the husband of the petitioner, namely Happy, stands transferred from Family Court, Jalandhar to Panipat, therefore, in the interest of justice, aforesaid civil suit may also be transferred to the competent Court of jurisdiction at Panipat.

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.*"

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 issuance of notice to the respondent has the consequences of staying further proceedings before the trial Court, otherwise the petitioner will have to bear the litigation expenses and transportation expenses and in view of the fact that even in case notice of motion is issued, even the respondent has to bear the litigation expenses and in view of the judgments in **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 civil suit filed by the respondent/mother-in-law of the petitioner, titled as Smt. Anita Vs. Happy and another, pending in the Court of Civil Judge (Jr. Divn), Jalandhar will be transferred to the competent Court of jurisdiction at Panipat.*
- 2. The District Judge, Panipat, will assign the said petition to the competent Court of jurisdiction.*
- 3. The Civil Judge (Jr. Divn), Jalandhar is directed to transfer all the record pertaining to the aforesaid case(s) to District Judge, Panipat.*
- 4. The parties are directed to appear before the District Judge, Panipat within a period of 01 month from today.*

However, liberty is granted to the respondent to revive this petition, if so required.

Present petition is disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

25.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No