

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

**TA No.454 of 2020 (O&M)  
Date of decision: 28.07.2022**

Rajinder Kaur

....Petitioner

Versus

Ravinder Singh

....Respondent

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

**Present:** Ms. Sukhveer Kaur, Advocate  
for the petitioner.

None for the respondent.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this petition is for transfer of the petition filed under Section 13 of the Hindu Marriage Act, pending in the Family Court, Hoshiarpur to the competent Court of jurisdiction at Gurdaspur.

Vide order dated 12.10.2020, the following order was passed:-

*“It is stated that the marriage of the couple was solemnized on 13.02.2000 at Santosh Palace Qadian, Tehsil Batala, District Gurdaspur. It is alleged that due to dowry demands, the respondent and his family members used to harass and beat the petitioner. On 29.07.2012, the petitioner was thrown out of matrimonial home, who is now residing at her parental house at Gurdaspur. It is further stated that the petitioner has filed two petitions one under Section 125 Cr.P.C and the other under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short “2005 Act”), which are pending in the court at Gurdaspur.*

*It is averred that the respondent husband filed a*

*petition under Section 13 of the Act which, as noticed above, is pending in the Court of learned Principal Judge (Family Court), Hoshiarpur. It is further averred that the petitioner is working as an Anganwari worker and getting a meager salary of Rs.7500/- per month while the respondent, who is earning more than Rs.80,000/- per month being posted in Indian Army, is not paying even a single penny for the upkeep and maintenance of petitioner wife and in these circumstances, it is extremely inconvenient for the petitioner to attend the proceedings initiated by the respondent husband at Hoshiarpur, which is about 80 kms away from Gurdaspur.*

*Notice of motion for 15.12.2020.”*

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 a petition/complaint under the Domestic Violence Act at Gurdaspur.

Counsel for the petitioner has further submitted that the respondent/husband has filed the petition under Section 13 of the Hindu Marriage Act, as a counter-blast, before the Principal Judge, Family Court, Hoshiarpur.

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 90 Kms from Gurdaspur to Hoshiarpur.

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.

As per the office report, the respondent has been served, however, there is no representation on his behalf.

After hearing the counsel for the petitioner, considering the fact that the petitioner/wife will have to bear the litigation expenses and transportation expenses 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 13 of the Hindu Marriage Act, pending before the Family Court, Hoshiarpur will be transferred to the competent Court of jurisdiction at Gurdaspur.*
2. *The District Judge, Gurdaspur, will assign the said*

*petition to the competent Court of jurisdiction.*

- 3. *The Family Court, Hoshiarpur is directed to transfer all the record pertaining to the aforesaid case to District Judge, Gurdaspur.*
- 4. *The parties are directed to appear before the trial Court, Gurdaspur, within a period of 01 month from today.*

Disposed of.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**28.07.2022**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No