

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

113

TA-923-2022 (O&M)
Date of decision: 22.08.2022

Maninder Kaur**...Petitioner**

Versus

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

Present:- Mr. Nitin Narula, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 13-B of the Hindu Marriage Act, 1955, titled as ***Ravinder Singh vs. Maninder Kaur***, pending before the Family Court, Dasuya to the competent Court of jurisdiction at Ludhiana.

Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with respondent on 05.06.2012, however, due to temperamental differences between them, a dispute arose and the petitioner left the matrimonial home in August, 2019 and started living separately with her two minor daughters at Ludhiana.

Learned counsel for the petitioner further submits that later on, with the intervention of the respectables, the dispute between the parties has been settled amicably and a petition under Section 13-B of the Hindu Marriage Act at Dasuya has been filed. It is further submitted that though the said petition was filed with mutual consent of the parties at Dasuya,

however, now the mother of the petitioner is suffering from different ailments, due to which, it is very difficult for the petitioner to attend the proceedings at Dasuya as she has to take care of her mother as well as her two minor daughters.

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 petitioner has further relied upon ***2022 Live Law (SC) 627 N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha***, wherein Hon'ble Supreme Court has held as under:

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the

prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

Notice of motion.

Mr. Sandeep Sharma, Advocate, who is present in Court, accepts notice on behalf of the respondent and submits that he has no objection if the aforesaid petition is transferred to the competent Court at Ludhiana.

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 learned counsel for the parties, considering the aforesaid facts and circumstances, the present petition is allowed with the following directions:-

- (i) *The petition filed under Section 13-B of the Hindu Marriage Act, pending before the Family*

Court, Dasuya will be transferred to the competent Court of jurisdiction at Ludhiana.

- (ii) The District Judge, Ludhiana will assign the said petition to the competent Court of jurisdiction.*
- (iii) The Family Court at Dasuya is directed to transfer all the record pertaining to the aforesaid case to District Judge, Ludhiana.*
- (iv) The parties are directed to appear before the trial Court at Ludhiana within a period of 01 month from today.*

22.08.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>