

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

Transfer Application No. 934 of 2022

Date of decision: 24.11.2022

Sukhdeep Kaur

.....Petitioner

VS

Inderjit Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Bhargava, Advocate
for the petitioner.

Respondent Inderjit Singh in person.

NIDHI GUPTA, J.(Oral)

1. Prayer in this petition filed by petitioner-wife is for transfer of the petition filed by respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') titled "Inderjit Singh vs. Sukhdeep Kaur" pending in the Court of Principal Judge, Family Court, Patti, District Tarn Taran to a Court of competent jurisdiction at Amritsar.

2. Learned counsel for the petitioner has contended :-

- i) That the parties were married in the month of February 2012 according to Sikh rites and rituals.
- ii) That two children, one male of 8 years and one female of 5 years, were born out of this wedlock and are in the care and custody of the respondent-husband.
- iii) That the petitioner-wife is living separately from the respondent-husband since May 2022 and living with her parents at their mercy at Amritsar.

- iv) That the petitioner is unemployed, having no source of income and totally dependent upon her parents and the respondent-husband, who is doing government job, is not paying anything to her towards maintenance.
 - v) The respondent-husband has filed the petition under Section 13 of the Act, which is pending before the Principal Judge, Family Court, Patti, District Tarn Taran.
 - vi) That the proceedings arising out of petitions (1) under Section 125 Cr.P.C.; and (2) complaint addressed to the Commissioner of Police, District Amritsar, vide number 1054-COP dated 29.7.2022, filed by the petitioner-wife, are pending in the Courts having competent jurisdiction at Amritsar.
 - vii) That the distance between place of residence of the petitioner-wife i.e. Amritsar and the place of proceedings under Section 13 of the Act filed by the respondent-husband, pending before the Principal Judge, Family Court, Patti, District Tarn Taran, is about 60 kilometers from one side.
 - viii) That there is no able-body person in the family of the petitioner, who can accompany her to the Court of proceedings at Patti.
3. It is inter alia on these grounds that petitioner prays for transfer of the case, as detailed in para 1 above.

On the other hand, the respondent, who appeared in person today in Court submits that as he is doing government job and maintaining both the minor children at his own, it would be very difficult for him to attend the Court proceedings at Amritsar by leaving the minor sons at home alone.

4. I have heard learned counsel for the parties.

In the present case, both the minor children are in care and custody of the respondent, who is doing government job also. He is performing his duties to maintain the children since last six months when both the parties alleged to be living separately. No convincing reasons have been assigned by the petitioner in the present petition on the ground of which the petition filed by the husband should be transferred. Even the distance, where the proceedings of the petition filed by the respondent-husband i.e. Patti is only 60 kilometers from one side and there are no reasons in the petition showing the petitioner-wife physically incapable to travel such a short distance on the date of hearing when she has no responsibility of children also.

5. I am supported by the decisions rendered by this Court in *Nisha alias Manisha vs. Amarveer Yadav*, passed in Transfer Application No.299 of 2019, decided on 15.1.2020 and *Smt. Akvinder Kaur vs. Sh. Gurpreet Singh* passed in Transfer Application No.126 of 2018, decided on 15.11.2018 wherein it is held that merely because the petitioner is a lady does not mean that she cannot travel and stay there.

The cardinal principle for exercise of the powers under Section 24 of the Code of Civil Procedure, 1908 is the convenience and inconvenience of the parties. The paramount consideration for exercise of the power must be to meet the ends of justice. The convenience of both the parties and not of the petitioner only is to be seen. The mere fact that the place of trial is 60 kilometers away from the place of residence of the petitioner is not enough for exercise of the powers conferred by Section 24 of the Code of Civil Procedure.

In view of the above, I find no merits in the present petition and the same is hereby dismissed.

Pending application(s), if any, stands disposed of.

November 24, 2022
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	YES/NO
Whether Reportable	YES/NO