

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

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TA-942-2021 (O&M)
Date of decision: 17.08.2022

Satvik and another

...Petitioner

Versus

Gurbachan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Savita Rana, Advocate
for the petitioners.

Ms. Kamlesh, Advocate for
Mr. Sukhdeep Singh, Advocate
for respondent Nos. 1 and 2.

ARVIND SINGH SANGWAN, J. (Oral)

CM-9779-CII-2021

Prayer in this application is for impleading the LR's of the of
respondent No. 2 Om Parkash, who has died on 03.06.2021.

For the reasons stated in the application, the same is allowed.
The LR's of respondent No. 2 (since deceased), as mentioned in para No. 2
of the application, are impleaded as respondent Nos. 2(i) and 2(ii) to this
petition.

Amended memo of parties is taken on record.

Main case

Prayer in this petition is for transfer of the *Civil Suit No. 545 of
2020* as well as *Civil Suit No. 1379 of 2021*, both titled as *Satvik (minor)*

and another vs. Gurbachan and others, pending before the Civil Judge (Jr. Divn.), Karnal to the competent Court of jurisdiction at Panchkula.

Learned counsel for the petitioners relies upon an order dated 20.07.2022 passed by this Court in ***TA-954-2021***, vide which Civil Suit No. 154 of 2020, titled as ***Gurbachan Singh vs. Paramjit Kaur and others***, pending in the Court of Civil Judge (Jr. Divn.), Karnal was transferred to the competent Court of jurisdiction at Panchkula by observing that mother of the present petitioners, namely Paramjit Kaur, is married to one Rakesh Kumar and Om Parkash, grandfather of the present petitioners, has executed conveyance deeds in favour of Gurbachan Singh, which are the subject matter of the suit. It was also noticed that the petitioners herein, who are the minor children of Rakesh Kumar, are deprived of their right by their grandfather Om Parkash and, therefore, the litigation is on account of a matrimonial discord between their mother Paramjit Kaur and father Rakesh Kumar.

Learned counsel for the petitioners submits that even the present suit, which has been instituted by the present petitioners, may also be transferred to the competent Court of jurisdiction at Panchkula.

Learned counsel for the respondents has raised similar objection that under Section 16 of the CPC, the jurisdiction lies with the Court, where the suit property is situated, therefore, the suit be not transferred from Karnal to Panchkula.

In judgments of the Hon'ble Supreme Court in ***Sumita Singh Vs. Kumar Sanjay, 2002 SC 396*** and ***Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi, 2005(12) SCC 237***, it is 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 learned counsel for the parties, considering the facts and circumstances of the case as well as the observations made in aforesaid order dated 20.07.2022 and also 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 deems it appropriate to allow the present petition with the following directions:

1. ***Civil Suit No. 545 of 2020*** as well as ***Civil Suit No. 1379 of 2021***, both titled as ***Satvik (minor) and another vs. Gurbachan and others***, pending before the Civil Judge (Jr. Divn.), Karnal will be transferred to the competent Court of jurisdiction at Panchkula.
2. The District Judge, Panchkula, will assign the said suits to the competent Court of jurisdiction.

- 3. The Civil Court, Karnal is directed to transfer all the record pertaining to the aforesaid suits to District Judge, Panchkula.
- 4. The parties are directed to appear before the District Judge, Panchkula within a period of 01 month from today.

17.08.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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