

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

**TA No.973 of 2022 (O&M)
Date of decision: 26.08.2022**

Pushpinder Kaur

....Petitioner

Versus

Kulwinder Kaur

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the Civil Suit No.CS/50/2022 titled as "Kulwinder Kaur vs Pushpinder Kaur", filed by the respondent Kulwinder Kaur, who is sister of the husband of the petitioner, pending in the Court of Additional Civil Judge (Sr. Division), Jagraon, District Ludhiana to the competent Court of jurisdiction at Patiala.

Counsel for the petitioner has argued that the prayer in the civil suit is for recovery of damages primarily on account of using abusive language against the plaintiff/respondent. It is further submitted that in fact out of the matrimonial discord between the petitioner and her husband Bhupinder Singh, the petitioner has already filed a complaint under Section 12 of the Domestic Violence Act at Patiala. It is also argued that the petitioner is residing in Patiala along with her 03 years old son and it is difficult for the petitioner to defend the suit in Jagraon, District Ludhiana as there is a distance of about 135 Kms from Patiala to Jagraon, District Ludhiana.

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/wife will have to bear the litigation expenses and transportation expenses and in case, notice of motion is issued, even the respondent/husband has to bear the litigation expenses, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

1. *The Civil Suit No.CS/50/2022 titled as "Kulwinder Kaur vs Pushpinder Kaur", pending before the Court of Additional Civil Judge (Sr. Division), Jagraon, District Ludhiana will be transferred to the competent Court of jurisdiction at Patiala.*
2. *The District Judge, Patiala, will assign the said petition to the competent Court of jurisdiction.*
3. *The Court of Additional Civil Judge (Sr. Division), Jagraon, District Ludhiana is directed to transfer all the record pertaining to the aforesaid case to District Judge, Patiala.*
4. *The parties are directed to appear before the trial Court, Patiala, within a period of 01 month from today.*
5. *The Court of Additional Civil Judge (Sr. Division), Patiala will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.*
6. *The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.*

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

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

26.08.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No