

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

TA No.549 of 2020

Date of decision: 28th April, 2022

Simranjit Kaur @ Simarn Kaur

... Applicant

Versus

Bhinder Pal Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. PKS Phoolka, Advocate for the applicant.

None for the respondent.

FATEH DEEP SINGH, J.

The applicant wife Simranjit Kaur @ Simarn Kaur has invoked jurisdiction of this Court under Section 24 of CPC against respondent husband Bhinder Pal Singh seeking transfer of divorce petition under Section 13 of Hindu Marriage Act, 1955 bearing No.HMA/426/2020 titled as 'Bhinder Pal Singh vs. Simranjit Kaur' (Annexure P2) pending in the Court of learned District & Sessions Judge, Sangrur to any other Court of competent jurisdiction at Mansa.

The only ground which is the main stake is the distance between the two places which is around 55 kms and it is difficult for the applicant wife to travel to attend the hearing and hence the relief in question.

Notice was given to the respondent who did not put in appearance.

Heard Mr. PKS Phoolka, Advocate for the applicant and perused the records.

The sole ground for this plea of transfer is that the wife has to traverse distance between the two places to attend the hearings. It needs to be kept in mind that as is pleaded in the application and which has remained unrebutted the respondent husband along with his relatives have earlier attacked the relatives of the wife and due to the injuries suffered Baljeet Singh uncle of the wife died regarding which an FIR was got registered with Police Station Moonak and in which the husband stands convicted and further that the husband is also facing criminal charges of kidnapping for ransom pertaining to which FIR was registered at Police Station City Tohana, District Fatehabad. Thus from this, it is well elucidated that husband appears to be desperado and certainly it would be a grave threat to the wife if she attends the hearing at Sangrur especially when she has a small minor child to look after.

In view of these circumstances, it is evident that it is certainly a case of undue hardship of exceptional nature necessitating intervention by this Court in allowing the present application. Accordingly, the petition bearing No.HMA/426/2020 titled as 'Bhinder Pal Singh vs. Simranjit Kaur' (Annexure P2) under Section 13 of Hindu Marriage Act, 1955 pending in the Court of learned District &

Sessions Judge, Sangrur is ordered to be transferred to the District Judge, Mansa who may deal with the same himself or entrust it to a Court of competent jurisdiction at Mansa.

(FATEH DEEP SINGH)
JUDGE

April 28, 2022
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No