

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

**TA No.570 of 2020 (O&M)
Date of decision: 11.07.2022**

Rajwinder Kaur and others

....Petitioners

Versus

Mahender Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Salana, Advocate
for the petitioners.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the petition filed under Sections 19, 20 and 27 of the Hindu Adoption and Maintenance Act, 2018, pending in the Court of Principal Judge, Family Court, Kaithal to the competent Court of jurisdiction at Ludhiana.

Counsel for the petitioners has argued that petitioner No.1 is a widow and daughter-in-law of the respondent and petitioners No.2 and 3 are the grand children of the respondent.

Counsel for the petitioners has further submitted that on 03.09.2018, the husband of the petitioner No.1 had died due to illness and thereafter, the petitioners have filed a petition titled as “*Rajwinder Kaur and others vs Mahender Singh*” under Sections 19, 20 and 27 of the Hindu Adoption and Maintenance Act, 2018, at Kaithal.

After the death of husband of petitioner No.1, she has stated living in her parental home at Ludhiana.

Counsel for the petitioners has further submitted that the ancestral land is situated in the jurisdiction of Kaithal Court and now

the petitioners are facing great difficulty in prosecuting the said case as there is a distance of about 150 Kms from Ludhiana to Kaithal. It is also submitted that even otherwise, the petitioner has filed a petition under the Domestic Violence Act at Ludhiana, which is also pending adjudication.

Counsel for the petitioners 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 has 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.”*

Counsel for the petitioners has lastly, submitted that the petitioner No.1 is having 02 minor children, who are living in her care and custody and she is facing great hardship to defend the case as she has to travel from Ludhiana to Kaithal.

After hearing the counsel for the petitioners, considering the fact that issuance of notice to the respondent has the consequences of staying further proceedings before the trial Court and in view of the judgments i.e. ***Sumita Singh’s case (supra)*** and ***Rajani Kishor Pardeshi’s case (supra)*** passed by the Hon’ble Supreme Court, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

1. *The petition filed under Sections 19, 20 and 27 of the Hindu Adoption and Maintenance Act, 2018, pending in the Court of Principal Judge, Family Court, Kaithal will be transferred to the competent Court of jurisdiction at Ludhiana.*
2. *The District Judge, Ludhiana, will assign the said petition to the competent Court of jurisdiction.*

However, liberty is granted to the respondent to revive this petition, if they intent to contest the same, provided that:-

- (a) *The respondent will clear all the maintenance amount, if any, in terms of a petition filed by petitioner No.1 and the minor children.*
- (b) *The respondent will undertake to provide Rs.1,000/- per day, to the petitioners for attending the Court proceedings at Kaithal, on each and every date of hearing.*
- (c) *The respondent will bring a demand draft of Rs.25,000/- towards the litigation expenses of the petitioners to pursue her case at Kaithal in case the respondent opt to contest this petition.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

11.07.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No