

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.1058 of 2022 (O&M)
Date of decision: 09.09.2022

Narinder Singh

....Petitioner

Versus

Karamjeet Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Thakur, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the petition filed under Section 13 of the Hindu Marriage Act, pending in the Family Court, Faridkot to the competent Court of jurisdiction at Gurdaspur.

The only argument raised by the petitioner in this petition is that the marriage has taken place at Gurdaspur and both the parties are residing in Gurdaspur, however, a perusal of the divorce petition, which is sought to be transferred show that the respondent/wife has given the address of her father, which is at Faridkot.

Even otherwise, in view of 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.”

Further as per the judgment “**N.C.V. Aishwarya vs A.S. Saravana Karthik Sha,**” 2022 Live Law (SC) 627, wherein the Hon’ble Supreme Court has observed as under:-

9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

Accordingly, in view of the judgments i.e. **Sumita Singh’s case (supra)**, **Rajani Kishor Pardeshi’s case (supra)** and **N.C.V. Aishwarya’s case (supra)** passed by the Hon’ble Supreme Court, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

09.09.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No