

TA-1239-2021 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

TA-1239-2021 (O&M).
Decided on: 12.07.2022.

Karam Jyoti Chauhan alias Mahi

.. Petitioner

VERSUS

Abhinav Singla

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

* * *

PRESENT Mr.Rakesh Sobti, Advocate, for
Mr.Gitish Bhardwaj, Advocate,
for the petitioner.

Mr.Anupinder Singh Brar, Advocate,
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 10 of the Hindu Marriage Act, titled as “”Abhinav Singla Vs. Mahi @ Karamjyoti Chauhan”, HMA Case No.293 of 2021, pending in the Court of learned Principal Judge, Family Court, Dhuri, to the competent Court of jurisdiction at Bathinda.

Counsel for the petitioner submits that a minor daughter aged 2½ years is living in the care and custody of the petitioner and it will be difficult for the petitioner to travel to and fro from Dhuri to Bathinda, to attend the court proceedings without the help of a male member from the

family. He further submits that the petitioner has also filed a complaint with the Senior Superintendent of Police, Bathinda, with regard to cruelty and demand of dowry.

Counsel for the respondent, however, has opposed the prayer for transfer of the petition filed by the respondent at Dhuri.

Counsel for the petitioner 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.”*

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 the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the 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 the learned counsel for the parties and considering the facts and circumstances of this case, the present petition is

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allowed. The petition filed by the respondent-husband under Section 10 of the Hindu Marriage Act, titled as “Abhinav Singla Vs. Mahi @ Karamjyoti Chauhan”, HMA Case No.293 of 2021, pending in the Court of learned Principal Judge, Family Court, Dhuri, will be transferred to the competent Court of jurisdiction at Bathinda.

The parties are directed to appear before the District Judge, Bathinda, on 8.8.2022. It will be open to the District Judge, Bathinda, to entrust the case to the Court of competent jurisdiction.

File, complete in all respects, be sent to the Court of District Judge, Bathinda, well before the date fixed.

July 12, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No