

TA-1221-2021 (O&M)

228

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

**TA-1221-2021 (O&M).
Decided on: 12.07.2022.**

Jaspal Kaur

.. Petitioner

VERSUS

Kulwinder Singh

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

*** * ***

**PRESENT Mr.Baltej Singh Sidhu, Sr. Advocate, with
 Mr.Divij Datt, Advocate,
 for the petitioner.**

None 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 9 of the Hindu Marriage Act, titled as “Kulwinder Singh Vs. Jaspal Kaur”, HMA Case No.293 of 2021 (CNR No.PBSB01001775/2021) pending in the Court of learned District Judge, Family Court, SBS Nagar, to the competent Court of jurisdiction at Chandigarh.

Counsel for the petitioner submits that two minor children born out of the wedlock are living in the care and custody of the petitioner and it will be difficult for the petitioner to travel a long distance to and fro

TA-1221-2021 (O&M)

from SBS Nagar to Chandigarh, to attend the court proceedings and therefore, the same be transferred.

Learned counsel for the petitioner further submits that petitioner on an earlier occasion was given beatings by the respondent and a calendra under Section 107/150 Cr.P.C. was also recorded in Police Station City Nawanshahr, District SBS Nagar and therefore, she is having threat to her life and liberty. He further submits that petitioner has also filed CRM-M-15836-2022 for transfer of petition under Section 125 Cr.P.C. from SBS Nagar, to Chandigarh, in which notice of motion has been issued and the same is pending before this Court.

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

TA-1221-2021 (O&M)

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.

There is no representation on behalf of the respondent.

After hearing the learned counsel for the petitioner and considering the facts and circumstances of this case, the present petition is allowed. The petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, titled as “Kulwinder Singh Vs. Jaspal Kaur”, HMA Case No.293 of 2021 (CNR No.PBSB01001775/2021) pending in the Court of learned District Judge, Family Court, SBS Nagar, will be transferred to the competent Court of jurisdiction at Chandigarh.

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

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

July 12, 2022.

raj arora

(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No