

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

**2023:PHHC:058373**

**103**

**TA No.401 of 2023 (O&M)  
Date of decision: 25.04.2023**

**Pawandeep Kaur**

**...Petitioner**

**v**

**Harmandeep Singh**

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Munish Garg, Advocate for the petitioner.

\*\*\*

**NIDHI GUPTA, J.(ORAL)**

1. Prayer in this petition filed by petitioner wife is for transfer of the petition bearing No.HMA/20/2023 filed by respondent-husband under Section 9 of the Hindu Marriage Act, 1955, titled "Harmandeep Singh vs. Pawandeep Kaur" pending in the Court of Principal Judge, Family Court, Dhuri, District Sangrur to a court of competent jurisdiction at Barnala.

2. Learned counsel for the petitioner, inter alia, submits:

- i) that the marriage between the parties was solemnised on 07.12.2020.
- ii) that one son was born out of this wedlock on 14.08.2021.
- iii) that the petitioner along with minor son is living with her parents at Barnala.
- iv) that a petition under Section 125 Cr.P.C. is also pending between the parties at Barnala.
- v) that the distance between her place of residence and place of proceedings is 50 kms. (one side).
- vi) that the petitioner has no source of income.
- vii) that the respondent is serving in Indian Army as Naik.

3. Notice of motion.

4. At this stage, Mr. Sukhtej Singh Sandhu, Advocate, puts in appearance on behalf of respondent and files his vakalatnama, which is

taken on record. Learned counsel for the respondent is unable to dispute the aforesaid facts.

5. I have heard learned counsel for the parties.

6. Besides the facts as noticed hereinabove, the legal position in such like cases as the present one is also very clear. Reference in this regard may be made in particular, to judgment rendered by the Hon'ble Supreme Court, in case of **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha," 2022 Live Law (SC) 627**, wherein the Hon'ble Supreme Court has held 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.”

7. Further reliance can be placed upon the judgments in “**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.”

8. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, 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.

9. After hearing the learned counsel for the parties and 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, this Court deems it appropriate to allow the present petition, subject to the following conditions:-

- a) The petition bearing No.HMA/20/2023 filed by respondent-husband under Section 9 of the Hindu Marriage Act, 1955, titled “Harmandeep Singh vs. Pawandeep Kaur” pending in the Court of Principal Judge, Family Court, Dhuri, District Sangrur is transferred to a court of competent jurisdiction at Barnala.
- b) The Id. District Judge, Sangrur is directed to transfer complete record pertaining to the aforesaid case to District Judge, Barnala.
- c) The parties, through their counsel, are directed to appear before the District & Sessions Judge, Barnala on 29.05.2023.
- d) The District Judge, Barnala will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at Barnala will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

11. The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.

Disposed of.

**25.04.2023**  
**ashok**

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

**(Nidhi Gupta)**  
**Judge**