

TA-441-2024

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

Sr. No.128

TA-441-2024

Date of Decision: 26.09.2024

ROZY

....Applicant

Versus

SURENDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vishal Thakur, Advocate, for
Mrs. Preeti Singh, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 11.09.2024.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the civil suit i.e. CS/2237/2023, titled '*Surender Singh Vs. Rozy*', filed by the respondent-husband, pending in the Courts at Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Kurukshetra.

Respondent did not make appearance, despite service. As such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that on account of the matrimonial discord, the parties are residing separate. There was no child born from the said wedlock. Also, it is submitted that the civil suit has been filed by the respondent, for mandatory injunction against the present applicant, to take back her gift articles, lying in the house of the respondent-plaintiff. Furthermore, it is submitted by the counsel that the

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applicant had made appearance in the said civil suit. However, the applicant is having no source of earning, as a result whereof, it is difficult for her to defend the said suit, from a distance of about 90 kilometres. At present, the applicant is residing with her parents at her parental place in Kurukshetra.

It is submitted that after filing of the transfer application, the applicant has also filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Kurukshetra. In both the aforesaid cases, the respondent has already made appearance.

Taking into consideration the aforesaid factual position and also considering the settled position of law, about weightage to be given to the convenience of the wife in transfer applications, relating to the matrimonial dispute, the application is hereby accepted and the civil suit i.e. CS/2237/2023, titled '*Surender Singh Vs. Rozy*', filed by the respondent-husband, stands transferred from the Courts at Patiala, to the Court of competent jurisdiction at Kurukshetra. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Kurukshetra.

Learned District and Sessions Judge, Kurukshetra, shall assign the said petition to the Court of competent jurisdiction at Kurukshetra. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

26.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No