



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.114

TA-957-2023

Date of Decision: 22.10.2024

KULDEEP KAUR

....Applicant

Versus

RAJINDER KAUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gagandeep Singh Simble, Advocate
for the applicant.

Mr. Pankaj Bali, Advocate
for the respondent.

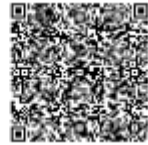
ARCHANA PURI, J. (Oral)

The applicant (mother-in-law of the respondent) has filed the present application for seeking transfer of the Civil Suit i.e. INDIG/145/2020 (Annexure P-1), titled '*Rajinder Kaur Vs. Kuldeep Kaur*', filed by the respondent for seeking recovery of the arrears of maintenance and for seeking future maintenance, which is pending in the Family Court (Camp Court) Khanna, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Faridabad.

In pursuance of the notice issued, respondent made appearance through counsel. However, at this stage, the counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

Learned counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the respondent is the daughter-in-law of the applicant. Son of



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the applicant is missing since 10.10.2015 and he has been declared as 'civil dead', vide judgment dated 11.01.2023. The husband of the applicant has passed away. The son born from wedlock of respondent, who is aged about 15 years, is in the care and custody of the applicant. Also, it is submitted that earlier, the respondent had filed the petition under the Guardians and Wards Act in the Courts at Khanna, to seek custody of the minor son, but however, the same was returned, on the basis of the order passed on the application under Order 7 Rule 11 CPC. Thereafter, it was never filed again. Also, it is submitted that the applicant is an aged lady and it is difficult for her to defend the civil suit, filed by the respondent, from a distance of about 310 kilometres, from the place of her residence.

On the other hand, the counsel for the respondent submits that the applicant is hale and hearty and therefore, she is in a position to defend the civil suit, if it remains at Family Court (Camp Court) Khanna, District Ludhiana.

In view of the rival submissions made, it is pertinent to mention that the present case is an outcome of the dispute between mother-in-law and daughter-in-law, in pursuance of the son of the applicant, having declared 'dead' by the Court. No doubt, the convenience of women has to be taken into consideration, while considering the transfer applications, relating to the dispute pending between the parties, but however, given the same, even the comparative convenience/inconvenience of the parties also ought to be taken into consideration.

The applicant is mother-in-law of the respondent and therefore, she is comparatively an aged person. In the application, it is stated that the applicant is 72 years old and the respondent-Rajinder Kaur is 34 years old.



Considering the age of the applicant, the application is accepted and the Civil Suit i.e. INDIG/145/2020 (Annexure P-1), titled '*Rajinder Kaur Vs. Kuldeep Kaur*', filed by the respondent, stands transferred from the Family Court (Camp Court) Khanna, District Ludhiana, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Khanna, to the District and Sessions Judge, Faridabad.

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

22.10.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No