

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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1. CRM-M-47645-2023 (O&M)

Manpreet Kaur ...Petitioner

Versus

Ramandeep Singh ...Respondent

2. CRM-M-48136-2023 (O&M)

Manpreet Kaur ...Petitioner

Versus

Ramandeep Singh ...Respondent

Date of decision: 18.03.2024

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parveen Gupta, Advocate
for the petitioner.

Mr. G. S. Brar, Advocate
for the respondent.

MANISHA BATRA, J. (Oral)

1. The present petitions have been filed by petitioner Manpreet Kaur under Section 407 read with Section 482 of Cr.P.C. The prayer in the first petition is for transfer of case bearing No. COMA/06/2018, titled as *Manpreet Kaur and another vs. Ramandeep Singh and others*, filed under Sections 17, 18, 19, 20, and 22 of the Protection of Women from Domestic Violence Act, 2005 from the Court of Chief Judicial Magistrate, Sri

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Muktsar Sahib to the competent Court of jurisdiction at Mansa, whereas the prayer in the second petition is for transfer of case bearing CRR/96/2019, tiled as ***Manpreet Kaur vs. Ramandeep Singh and others***, filed under Section 397(1) Cr.P.C. from the Court of Additional Sessions Judge, Sri Muktsar Sahib to the competent Court of jurisdiction at Mansa.

2. Brief facts of the case relevant for the purpose of disposal of the present petitions are that the petitioner was married with the respondent on 27.09.2014. They lived and cohabited with each other as husband and wife. However, due to some matrimonial discord, the petitioner left her matrimonial home along with her minor daughter. Due to ill treatment and harassment caused by the respondent and his family members to the petitioner, she has filed the aforementioned complaint, which is pending before the Court of Chief Judicial Magistrate, Sri Muktsar Sahib. The petitioner has also filed a revision petition against the respondent and his family members, whis is pending before the Court of Additional Sessions Judge, Sri Muktsar Sahib.

3. It is submitted by learned counsel for the petitioner the petitioner, who is working as ANM (Helath Worker), has been transferred to Mansa and now she is residing at Mansa along with her parents. It is further submitted that since the petitioner is living with her minor daughter and she has to take her care, it is very difficult for her to travel to Sri Muktsar Sahib to pursue the aforesaid cases as there is a distance of about 115 Kms. between both the places. Learned counsel 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 observed that “*while deciding the transfer application, the*

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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.”

4. Learned counsel for the petitioner has further relied upon **2022 Live Law (SC) 627 N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha**, wherein 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.”

5. Learned counsel for the respondent has, however, opposed the

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prayer of the petitioner on the ground that she is a well earning person and has no difficulty in prosecuting the said cases before the Courts at Sri Muktsar Sahib. He has argued that it is the petitioner, who is delaying the proceedings of the cases and the respondent is making all efforts for early disposal of the cases.

6. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

7. 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 family condition of the wife, custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important, 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.

8. A perusal of the record reveals that due to matrimonial dispute, the petitioner, along with her minor child, is now residing at Mansa, after her transfer to said place. She has filed aforementioned criminal complaint as well as a revision petition at Sri Muktsar Sahib. However, since she is now residing at Mansa along with her minor daughter, she has prayed for transferring the said cases to the Court of competent jurisdiction at Mansa.

9. Accordingly, keeping in view of the facts and circumstances of the case and also in view of the ratio of law laid down in the aforesaid judgments as relied upon by the petitioner, the present petitions are allowed and the aforesaid two cases, i.e. case bearing No. COMA/06/2018, titled as

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CRR/96/2019, tiled as *Manpreet Kaur vs. Ramandeep Singh and others*, filed by the petitioner, are ordered to be transferred from the respective Courts at Sri Muktsar Sahib to the Courts of competent jurisdiction at Mansa.

10. The District & Sessions Judge, Mansa will assign the said cases to the competent Courts of jurisdiction. The Courts at Sri Muktsar Sahib are directed to transfer all the record pertaining to the aforesaid cases to the District & Sessions Judge, Mansa. The parties are directed to appear before the Courts at Mansa within a period of 01 month from today.

11. Let a copy of this order be placed on the file of the connected case.

18.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No