



behalf. As such, this Court has no other option but to decide the present case on its own merits.

4. Having heard learned counsel for the petitioners, present petition is taken up for disposal.

5. A two Judge Bench of the Hon'ble Supreme Court dealt with power of the Court to transfer proceedings under Sections 24 and 25 of the Civil Procedure Code in ***Kulwinder Kaur @ Kulwinder Gurcharan Singh Vs. Kandi Friends Education Trust, AIR 2008 SC 1333***, wherein it was held that the power to make such transfers is discretionary in nature and hence, it would be unwise to attempt to shackle it with a blanket formula uniformly applicable to all situations. However, it cannot be denied that the power must be used with abundance of care and caution. Further a three Judge Bench of the Hon'ble Supreme Court in ***Gana Saraswathi Vs. H. Raghu Prasad, (2000) 10 SCC 277*** had observed that in the interest of justice, the doctrine of forum non-convenience can also be extended to matrimonial proceedings. It was stated that Courts usually allow transfer petitions in such cases to ensure that the wife does not suffer on account of not being able to participate in the proceedings.

6. A two Judge Bench of the Hon'ble Supreme Court in ***N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199*** 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 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 socio-economic 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. In the present case, the petitioners are minor and they have no means to defend their case at Malout, District Sri Muktsar Sahib as there is nobody to accompany them. Apart from this, the sister-in-law of the respondent is practicing as an Advocate at Malout, District Sri Muktsar Sahib, due to which, their case is being influenced.

8. In view of the law settled by the Hon'ble Supreme Court in *N.C.V. Aishwarya*'s case (supra), present petition is allowed. Resultantly, petition filed under Section 127 Cr.P.C. bearing MNT No.82 of 2023 dated 19.08.2023 titled as '*Sukhmanbir Singh and another vs. Gurbeer Singh*' (Annexure P-1) pending in the Court of learned Principal Judge, Family Court, Malout, District Sri Muktsar Sahib is ordered to be transferred to the jurisdiction of District and Sessions Judge, Bathinda. The District Judge, Sri Muktsar Sahib is directed to transfer the record pertaining to the aforesaid case to the District Court, Bathinda, who will assign the said case to the competent Court of jurisdiction at Bathinda. The parties are directed to appear before the learned trial Court within a period of 04 weeks from today.

9. Nothing observed hereinabove shall be construed as expression of



opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

September 10, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |