

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

TA No.269 of 2011

Date of decision : 25.05.2011

Smt. Prabhpreet Kaur

...Applicant

Versus

Atamjeet Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Devinder Singh, Advocate  
for the applicant.

Mr. P.S. Sikand, Advocate,  
for the respondent.

**JITENDRA CHAUHAN, J. (Oral)**

1. The present application has been preferred by the applicant-wife under Section 24 of the Code of Civil Procedure, praying for the transfer of the petition titled as 'Atamjeet Singh Vs. Prabhpreet Kaur', filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act'), from the Court of learned District Judge, Yamuna Nagar, to the Court of competent jurisdiction at Ambala.

2. Learned counsel for the applicant contends that the applicant has filed petition under Section 125 Cr.P.C. which is pending adjudication at Ambala. The learned counsel further contends that criminal proceedings under Sections 406/498-A/506 IPC against the

respondent are also pending at Ambala.

3. Learned counsel for the applicant further contends that the respondent is employed at Noida and frequently visits Ambala. It is further submitted that the applicant is residing with her parents, after she was ousted from the matrimonial home who are senior citizens. The young child born out of the wedlock, aged about 1 ½ years, is also with the applicant.

4. The learned counsel for the respondent has vehemently opposed the prayer.

5. I have heard the learned counsel for the parties and perused the record.

6. Hon'ble the Supreme Court in *Neelam Kanwar vs Devinder Singh Kanwar, 2001(1) M.L.J. 509 (SC)*, has observed as under:-

“We are mindful of the fact that the petitioner is a lady and first respondent is a male, and, therefore, for convenience of wife, a transfer to the place where the lady is residing, would be preferred by this Court unless, it is shown that there are special reason not to do so. No special reason is shown.”

7. Admittedly, the applicant is residing at Ambala. She has no means of her own and is totally at the mercy of her aged parents, who are without much resources. Moreover, the young child is also being maintained by her. In a petition filed by the husband, the convenience of the wife is primarily to be seen.

8. In view of the fact that there is no male member to accompany the applicant to defend her case effectively at Yamuna Nagar, this Court feels that it would be in the interest of justice if the present application is allowed and the petition under Section 9 of the Act titled as 'Atamjeet Singh Vs. Prabhpreet Kaur' is withdrawn from the Court of learned District Judge, Yamuna Nagar, and is transferred to the Court of competent jurisdiction at Ambala. Ordered accordingly.

9. The entire record pertaining to the petition under Section 9 of the Act shall be sent by the trial Court at Yamuna Nagar to the learned District Judge, Ambala, within three weeks, who will either himself dispose it of or entrust it to any other Court of competent jurisdiction at Ambala.

10. The parties shall appear before the learned District Judge, Ambala, on 18.07.2011 at 11.00 AM.

**25.05.2011**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

*Note : Whether to be referred to Reporter ? Yes / No*