



CRM-M-63994-2024(O&M)

1

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

Sr. No.106

CRM-M-63994-2024(O&M)

Date of decision : 07.01.2025

Jagpreet Singh

..... Petitioner

VERSUS

Tarandeep Kaur

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nikhil Kumar Vashisht, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)

1. At the very outset, learned counsel for the petitioner submits that in the prayer clause of the petitioner, inadvertently, the title of case pending before the court below has been mentioned as “*Jagpreet Singh vs. Tarandeep Kaur*” instead of *Tarandeep Kaur vs. Jagpreet Singh* and the same be read as *Tarandeep Kaur vs. Jagpreet Singh*.

2. The registry is directed to make necessary correction in the prayer clause, accordingly.

3. The present petition has been filed under Section 447 of BNSS, 2023 for transfer of petition under Section 144 of BNSS filed by the respondent/Wife bearing case No.MNT/32/2024 title as “*Tarandeep Kaur vs. Jagpreet Singh*” pending in the Court of learned Principal Judge, Family Court, Camp Court Patti, District Tarantaran to any other Family Court at SAS Nagar, Mohali.



4. Learned counsel for the petitioner submits that the marriage between the parties was solemnized on 04.02.2024. However, due to some matrimonial dispute the respondent-wife left the matrimonial house and has filed the above stated application seeking maintenance under Section 144 of BNSS before the Family Court Tarn Taran whereas the petitioner is resident of District Mohali. The distance between Tarn Taran to Mohali is approximately 220 kms (one side) and the petitioner has to travel from Mohali to Tarn Taran on each and every date of hearing to contest the said petition which is causing immense hardship.

5. He further submits that the parents of the petitioner are old and require regular care and attention due to various age related ailments and there is no other person in the family to look after them. The petitioner is at present unemployed due to which he is unable to bear the travel expenses and the petitioner has also preferred a petition under Section 9 of Hindu Marriage Act which is pending before the Principal Judge, Family Court, District SAS Nagar, Mohali where the petitioner is residing. He prays that the above stated petition under Section 144 BNSS may be transferred from District Court Tarn Taran to the competent Court at District Mohali.

6. Heard.

7. In a recent decision rendered in ***Civil appeal No. 5218 of 2022*** titled as "***Ruchi Rawat vs. Principal Judge, Family Court Etah & Anr.***", decided on 05.08.2022, the Hon'ble Supreme Court has observed a following:-

"4. It is well-settled that in matrimonial matters generally, it is wife's convenience which must be looked at while considering the



transfer. In N.C.V. Aishwarya v. A.S. Saravana Karthik Sha (Civil Appeal No. 4894 of 2022, disposed of on 18.07.2022), it was held as under:-

“9. The cardinal principal 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 socio-economic paradigm in the Indian society, generally, it is the wife’s convenience which must be looked at while considering transfer.”

8. In view of the law laid down by Hon’ble Supreme Court in ***Ruchi Rawat (supra)*** and considering the circumstances of the present case, this court is of the considered opinion that it is neither deemed appropriate nor just to transfer the petition under Section 144 of BNSS from the Court at District Tarn Taran to District Court Mohali. In view of the aforesaid reason, instant petition being devoid of merit, is dismissed.

9. Pending application(s), if any, shall also be disposed of accordingly.

(KIRTI SINGH)
JUDGE

07.01.2025

Kapil

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No