

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

**Transfer Application No. 7 of 2019(O&M)
Date of Decision: 07.01.2020.**

Nancy

... Petitioner

versus

Prince Yadav

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

**Present:- Mr. Namit Khurana, Advocate
for the petitioner.**

**Mr. M.R. Sharma, Advocate
for the respondent.**

ARUN MONGA, J.

1. Applicant-wife is seeking transfer of petition filed by respondent-husband under Section 13 of Hindu Marriage Act against her for dissolution of marriage, titled as “Prince Yadav Vs. Nancy”, pending in the Court of Additional Principal Judge (Additional Family Court), Gurgaon to the Court of competent jurisdiction at District Yamuna Nagar.

2. Learned counsel for the petitioner submits that destitute wife is residing in the jurisdiction of District Yamuna Nagar and has also filed a petition under Section 125 Cr.P.C. for maintenance, apart therefrom she has registered FIR No. 132 dated 06.12.2018 under Sections 323, 406, 498-A and 506 IPC at Police Station Women, Yamuna Nagar against the respondent and other in-laws. According to learned counsel, it is not

possible for the wife, who has no income, to travel to Gurgaon which is about 250 kms away from her residence to contest the divorce petition filed by the husband.

3. I have heard learned counsel for the parties and have gone through the paper-book carefully.

4. The cases pending between the parties are after-math of matrimonial discord. Two cases, one for maintenance and a criminal case instituted at the instance of applicant-wife are pending adjudication in the Courts at Yamuna Nagar. It would, therefore, be just and proper if all the cases are tried and decided at one place i.e. at Yamuna Nagar, where other cases are already pending.

5. Learned counsel for the applicant also relies upon judgment of Hon'ble Apex Court in case titled Sumita Singh Vs. Kumar Sanjay and another, AIR 2002 SC 396, wherein it is held that transfer of matrimonial proceedings initiated by the husband against wife, convenience of the wife ought to be looked into.

6. In the premise, present application is allowed. The petition in question pending before the Court of Additional District Judge(Additional Family Court), Gurgaon is ordered to be withdrawn from that Court and is transferred to the District Judge, Yamuna Nagar at Jagadhri for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

January 07, 2020
Jiten

1. Whether speaking/ reasoned: Yes/ No

2. Whether reportable: Yes/ No