

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

**T.A NO. 12 OF 2019 (O&M)
DATE OF DECISION : 03.02.2020**

Meena Kumari

...Applicant

versus

Ashok Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mani Ram Verma, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 13 (i)(ia)(ib) of the Hindu Marriage Act, 1955, titled as "Ashok Kumar v. Meena Kumari" from the Court of District Judge, Rewari to any other Court of competent jurisdiction at Charkhi Dadri, District Bhiwani.

2. Learned counsel for the applicant submits that one petition filed by the applicant-wife, is pending in the Court at Charkhi Dadri, District Bhiwani.

3. Learned counsel for the applicant further submits that applicant is residing with her parents at village Mehrana, Tehsil Charkhidadri, District Bhiwani. She has two minor daughters to look after and has no source of income. It is very difficult for her

to travel from village Mehrana, District Bhiwani to Rewari on each and every date of hearing. On the other hand, respondent is a government employee and can easily attend Court proceedings at Charkhi Dadri, Bhiwani.

4. It is further submitted that respondent earlier filed petition under Section 9 of the Hindu Marriage Act, 1955, before District Judge, Rewari and the said petition was also transferred from Rewari to Bhiwani, vide order dated 09.01.2013 passed by this Court in T. A No. 316 of 2012 filed by petitioner.

5. No one has put in appearance on behalf of the respondent. Similar was the position on the last date of hearing.

6. I have heard learned counsel for the applicant and have gone through the records of the case.

7. All the cases pending between the parties are the aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that petition under Section 127 Cr.P.C., instituted at the instance of applicant-wife, is already pending in the Court at Charkhi Dadri, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

8. Learned counsel for the applicant also relies upon the 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 wife is ought to be looked

9. In the premise, present application is allowed. The petition in question pending before the Court of District Judge, Rewari is ordered to be withdrawn from that Court and is transferred to District Judge, Bhiwani for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 03, 2020

shalini

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |