

**Sr. No.236
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.15 of 2020 (O&M)
Date of Decision: 11.02.2020**

Anita Nirankari

... Applicant

Versus

Vijay Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.K.Girdhwal, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955, bearing DMC/1175/2019 titled as “Vijay Kumar Vs. Anita Nirankari” pending in the Court of Learned Principal Judge, Family Court, Sonapat to the Court of competent jurisdiction at Jhajjar.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. for grant of maintenance and complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 filed by the applicant-wife are already pending at Jhajjar.

3. Learned counsel for the applicant further submits that petitioner is residing at Jhajjar. She is doing B.Ed from D.H. Lawrence College, Jhajjar. The distance between Sonapat and Jhajjar is about 80 Kms. Two minor children are in the custody of

applicant-wife and are school going, who need constant care and attention of the mother. Therefore, it is difficult for her to go to Sonapat on each date of hearing.

4. Despite service, none has put in appearance on behalf of the respondent-husband and in the premise, this Court is of the view that respondent-husband is deemed to have consented the present transfer application by not contesting the same.

5. I have heard learned counsel for the applicant and have gone through the record of the case.

6. All the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that petition under Section 125 Cr.P.C. for grant of maintenance and complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 are already pending at Jhajjar, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

7. In the premise, present application is allowed. The petition in question pending before the Court of learned Principal Judge, Family Court, Sonapat is ordered to be withdrawn from that Court and is transferred to the District Judge, Jhajjar for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

11.02.2020

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No