

Sr. No.211

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

**TA No.23 of 2020 (O&M)
Date of Decision: 30.01.2020**

Paramjit Kaur

...Applicant

Versus

Surinder Pal

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vishal Sharma, 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 bearing HMA No.779 of 2019 titled as “Surinder Pal Vs. Paramjit Kaur” pending in the Court of Learned Principal Judge, Family Court, Gurdaspur, Punjab to the Court of competent jurisdiction in District Hoshiarpur, Punjab.

2. Learned counsel for the applicant submits that petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 filed by the applicant/petitioner is already pending adjudication before the Court of Judicial Magistrate Ist Class, Hoshiarpur.

3. Learned counsel for the applicant further submits that applicant/petitioner is residing at Tehsil Garhshankar in District

Hoshiarpur. She has no source of income. The distance between Garhshankar and Gurdaspur is about 124 Kms. He further submits that even to reach Gurdaspur, firstly applicant has to go to Hoshiarpur, which is about 42 Kms. away from Tehsil Garhshankar and then from Hoshiarpur to Gurdaspur by changing two buses and it is difficult for her to go to Gurdaspur on each date of hearing.

4. Despite service, none has put in appearance on behalf of the respondent.

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

6. Both 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 12 of Protection of Women from Domestic Violence Act, 2005 is already pending adjudication at Hoshiarpur, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

7. 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.

8. In the premise, present application is allowed. The petition in question pending before the Court of learned Principal

Judge, Family Court, Gurdaspur is ordered to be withdrawn from that Court and is transferred to the District Judge, Hoshiarpur for its disposal in accordance with law by the Court concerned.

30.01.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No