

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Transfer Application No. 46 of 2020(O&M)
Date of Decision: 28.01.2020.

Kavita Rani

... Petitioner

versus

Sumit Kumar Sachdeva

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. G.S. Sidhu, Advocate
for the petitioner.

Respondent in person.

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 “Sumit Kumar Sachdeva Vs. Smt. Kavita Rani”, pending in the Court of Principal Judge, Family Court, Gurugram to the competent Court in District Sirsa.

2. Learned counsel for the petitioner submits that destitute wife is residing in the jurisdiction of District Sirsa. A petition under Section 125 Cr.P.C. for maintenance and under Section 9 of Hindu Marriage Act instituted at the instance of the applicant-wife are pending adjudication in the Court at Sirsa. According to learned counsel, it is not possible for the wife, who has no income, to travel to Gurugram from Sirsa to contest the divorce petition filed by the husband.

3. Pursuant to notice, respondent has appeared in person. An attempt was made for mediation, but due to paucity of time, it could not be materialized. However, the petitioner who is present in Court states that he has no objection if the petition filed by him under Section 13 of Hindu Marriage Act, pending at Gurgaon is transferred to Sirsa.

4. The cases pending between the parties are after-math of matrimonial discord. Petitions for maintenance and restitution of conjugal rights instituted at the instance of applicant-wife are pending adjudication at Sirsa. It would, therefore, be just and proper if matrimonial cases are tried and decided at one place.

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 The petition in question pending before the Court of Principal Judge, Family Court, Gurugram is ordered to be withdrawn from that Court and is transferred to the District Judge, Sirsa for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

January 28, 2020
Jiten

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