

**Sr. No.222
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.88 of 2020 (O&M)
Date of Decision: 05.03.2020**

Vipan Kumar

... Applicant

Versus

Meenu

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjeev Kumar, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

Applicant-husband seeks transfer of suit arising out of matrimonial dispute filed by him for declaration to the effect that the marriage dated 29.01.2017 with the respondent is null and void titled as "Vipan Kumar Vs. Meenu" pending in the Court of Principal Judge, Family Court, Yamunanagar at Jagadhri to the Court of competent jurisdiction at Chandigarh.

2. Learned counsel for the applicant submits that complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 and criminal proceedings arising out of FIR No.82 dated 27.06.2019 under Sections 406, 498-A IPC filed by the respondent-wife against the applicant-husband and complaint under Sections 495, 418, 120-B, 448 of IPC filed by the applicant-husband against the respondent-wife are already pending at Chandigarh.

3. Learned counsel for the applicant further submits that respondent-wife is a resident of Chandigarh.

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

of the respondent-wife and in the premise, this Court is of the view that respondent-wife has deemingly consented to 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 position that complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 and criminal proceedings arising out of FIR No.82 dated 27.06.2019 under Sections 406, 498-A IPC filed by the respondent-wife against the applicant-husband and complaint under Sections 495, 418, 120-B, 448 of IPC filed by the applicant-husband against the respondent-wife are already pending at Chandigarh it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place. That will also be more convenient to the respondent-wife.

7. In the premise, present application is allowed. The civil suit in question pending before the Court of learned Additional Principal Judge, Family Court at Jagadhri District Yamuna Nagar is ordered to be withdrawn from that Court and is transferred to the District Judge, Chandigarh for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

05.03.2020

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No