

**Sr. No.205
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.146 of 2019 (O&M)
Date of Decision: 28.01.2020**

Garima Sood

...Applicant

Versus

Bharat Jain

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. V.K.Gupta, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act titled as “Bharat Jain Vs. Garima Sood” pending in the Court of Learned Additional Principal Judge, Family Court, Faridabad to the Court of competent jurisdiction at Moga.

2. Learned counsel for the applicant submits that two petitions under Section 13 of Hindu Marriage Act and Sections 12, 18 (d) (e) and (f), 20 (1b and d), 22, 23 of the Protection of Women from Domestic Violence Act, 2005 filed by the applicant-wife are pending at Moga.

3. Learned counsel for the applicant further submits that petitioner is residing at Moga with her parents. She has no source of income. The distance between Faridabad and Moga is about 417 Kms. and it is difficult for her to go to Faridabad to attend the court 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. 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 petitions under Section 13 of the Hindu Marriage Act and under Sections 12, 18 (d) (e) and (f), 20 (1b and d), 22 and 23 of Protection of Women under Domestic Violence Act, 2005 are already pending in the Court at Moga, it would be proper, appropriate and in the interest of justice if all 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in question pending before the Court of learned Additional Principal Judge, Family Court, Faridabad is ordered to be withdrawn from that Court and is transferred to the District Judge, Moga for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

28.01.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No