

Sr. No.203

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

**TA No.197 of 2019
Date of Decision: 29.01.2020**

MALKIT

... Applicant

Versus

MANJIT SINGH

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. J.S.Jaidka, Advocate,
for the applicant.

Mr. Ramnjeet Singh, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of civil suit seeking relief of permanent injunction restraining the defendant from harassing/torturing physically, mentally and financially by filing false and frivolous civil cases and criminal cases filed by the respondent-husband bearing CS 229 of 2018 titled as “Manjit Singh v/s Malkiat” pending in the Court of JMIC, Phillaur to the Court of competent jurisdiction at Ludhiana.

2. Learned counsel for the applicant submits that there is a plethora of litigation pending between the parties.

3. Learned counsel for the applicant further submits that petitioner is residing at Ludhiana. She has two minor children who are school going. She is working as a Staff Nurse which requires shifts of duty at different times and it is difficult for her to go to Ludhiana on each date of hearing. On the other hand, respondent was employed in Central Government

Department and had retired from there in the year 1995.

4. I have heard learned counsel for the parties and have gone through the record of the case.

5. 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 on civil suit, two contempt petitions filed by each of the party and Criminal Revision bearing No.255-2017, one complaint under Section 323, 324, 452, 506, 294 IPC and one petition under Section 340 Cr.P.C. read with Section 195 IPC are already pending in the Court at Ludhiana, it would be proper, appropriate and in the interest of justice, if all the cases are tried and decided at one place.

6. 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.

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 The petition in question pending before the Court of JMIC, Phillaur is ordered to be withdrawn from that Court and is transferred to the District Judge, Ludhiana for its disposal in accordance with law by the Court concerned.

29.01.2020

Sonu

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No