

**Sr. No.206
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.215 of 2019 (O&M)
Date of Decision: 30.01.2020**

Isha Garg @ Isha Goyal

... Applicant

Versus

Rahul Garg

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Raghav Gulati, Advocate,
for the applicant.

Mr. Jai Bhagwan, Advocate,
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.341 of 2017 titled as “Rahul Garg Vs. Isha Goyal” pending in the Court of Learned Additional District Judge, Sangrur to the Court of competent jurisdiction in District Patiala.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C. bearing No.MNT/85/2017, complaint under Domestic Violence Act, 2005 for Protection of Women and application under Sections 340 and 344 Cr.P.C. against the respondent at the instance of applicant/petitioner are already pending adjudication before the Family Court, Nabha, District Patiala.

3. Learned counsel for the applicant further submits that petitioner is residing at Nabha. One minor child born out of wedlock is in custody of the applicant wife. She has no source of income. The distance between Sangrur and Nabha is about 40 Kms. and it is

difficult for her to go to Sangrur on each date of hearing. On the other hand, respondent is a well earning man and he can attend the Court proceedings at Nabha.

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 petitions under Section 125 Cr.P.C. and complaint under Domestic Violence Act as also application under Sections 340 and 344 Cr.P.C. are already pending adjudication at Nabha, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

6. In view of the law laid down by the 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, I am in agreement with the contention of the applicant.

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 The petition in question pending before the Court of learned Additional District Judge, Sangrur is ordered to be withdrawn from that Court and is transferred to the District Judge, Patiala for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

30.01.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No