

Sr. No.207

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

TA-269-2019

Date of Decision: 04.02.2020

RAKHI

... Applicant

Versus

VIRENDER

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Dinesh Maurya, Advocate for
Mr.G.S.Sandhu, Advocate
for the applicant.

Mr.Amol Partap Singh Mann, Advocate
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent-husband titled as "Virender v/s Rakhi" pending in the Court of Principal Judge (Family Courts), Ambala to the Court of competent jurisdiction at Karnal.

2. Learned counsel for the applicant-wife submits that there is plethora of litigation is pending between the parties at Karnal as well as Ambala.

3. Learned counsel for the applicant further submits that petitioner is residing at Karnal with her parents. She has no source of income. She has one minor son to take care of and it is very difficult for her to attend hearing at Ambala which is 80 kms from Karnal. On the other hand, respondent-husband also filed a petition under Section 10, 12, 25 of Guardian and Ward Act at Karnal. She has also danger to her life at Ambala as the respondent already facing trial under Section 307 IPC. 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.

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 an FIR under Section 406, 498-A IPC, petition under Section 125 Cr.P.C. and complaint under the Protection of Women from Domestic Violence Act, 2005 instituted at the instance of applicant-wife and petition under Sections 10, 12 and 25 of Guardian and Ward, 1890 filed by respondent-husband are already pending at Karnal, it would be proper, appropriate and in the interest of justice, if all cases are tried and decided at one place.

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 The petition in question pending before the Court of District Judge, Ambala is ordered to be withdrawn from that Court and is transferred to the District Judge, Karnal for its disposal in accordance with law by the Court concerned.

04.02.2020

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**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No

Yes/No