

Sr. No.202

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

**TA No.294 of 2019 (O&M)
Date of Decision: 05.02.2020**

Amarjit Kaur

... Applicant

Versus

Manjit Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ankush Singla, Advocate,
for the applicant.

None 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.732 of 2019 titled as “Manjit Singh Vs. Amarjit Kaur @ Simarjit Kaur” pending in the Court of Learned Additional Principal Judge, Family Court, Ludhiana to the Court of competent jurisdiction at Barnala.

2. Learned counsel for the applicant submits that one petition with regard to execution of order passed in petition under Section 125 Cr.P.C. proceedings, a complaint under the protection of Women from Domestic Violence Act, 2005 and criminal proceedings arising out of FIR No.18 dated 19.05.2014 against the respondent-husband instituted at the instance of the applicant/wife are pending in the District and Sessions Court, Barnala.

3. Learned counsel for the applicant further submits that petitioner is residing at Village Hardasspura, District Barnala. One minor child born out of wedlock is in custody of the applicant wife. The distance between Ludhiana and Barnala is about 80 Kms. She has no source of income and it is difficult for her to go to Ludhiana on each date of hearing.

4. Today, none has put in appearance on behalf of the respondent, who had caused appearance earlier. It seems that respondent-husband 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 conceded position that petition with regard to execution of order passed in petition under Section 125 Cr.P.C. proceedings, a complaint under the Protection of Women from Domestic Violence Act, 2005 and criminal proceedings arising out of FIR No.18 dated 19.05.2014 are already pending in District and Sessions Court at Barnala, 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, Ludhiana is ordered to be withdrawn from that Court and is transferred to the District Judge, Barnala for its disposal in accordance with law by the Court concerned.

05.02.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No