

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

**T.A NO. 303 OF 2019
DATE OF DECISION : 07.02.2020**

Satwinder Kaur

...Applicant

versus

Amarjit Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vijay Lath, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

The present petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 9 of the Hindu Marriage Act, 1955, titled as "Amarjit Singh v. Satwinder Kaur" from the Court of Principal Judge, Family Court, Gurdaspur Camp Court at Batala, District Gurdaspur to any other Court of competent jurisdiction at Rupnagar.

2. Learned counsel for the applicant submits that this is second marriage of the applicant and third marriage of the respondent. From first marriage of the applicant, two children were born who are in custody of the applicant. Respondent performed marriage with the applicant without taking divorce from his earlier wives. After getting due knowledge about the same, the applicant filed petition under Section 11 and in alternative under Section 13 of the Hindu Marriage Act, which is pending in the Court at Rupnagar.

3. Learned counsel for the applicant further submits that applicant is residing with her parents. Two children from her earlier

husband are also residing with her. She has no source of income. The distance between Batala and Rupnagar is about 250 kms. It is very difficult for her to travel from Rupnagar to Camp Court at Batala, District Gurdaspur on each and every date of hearing.

4. On the last date of hearing, there was representation on behalf of the respondent but today none appeared on behalf of the respondent. Hence, this Court is of the view that respondent/husband is deemed to have consented the present transfer application by not contesting the same.

5. I have heard learned counsel for the applicant and have gone through the records of the case.

6. Both the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that one petition under Section 11/13 of the Hindu Marriage Act, 1955, instituted at the instance of applicant-wife, is already pending adjudication in Court at Rupnagar, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

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

(ARUN MONGA)
JUDGE

FEBRUARY 07, 2020
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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No