

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

**T.A NO. 317 OF 2019 (o&m)
DATE OF DECISION : 07.01.2020**

Baby

...Applicant

versus

Rudhir

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. K. Girdhwal, Advocate,
for the applicant.

Mr. Balkar Singh, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

CM NO. 21350-CII OF 2019

For the reasons mentioned in the application, same is allowed and reply on behalf of respondent is taken on record subject to all just exceptions.

MAIN CASE

This petition has been filed by the wife seeking transfer of a petition filed by her husband under Section 13 of the Hindu Marriage Act, bearing case No. DMC/735/2018 from the Court of District Judge, Sonapat to any other Court of competent jurisdiction at Jhajjar.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C instituted at the instance of applicant-

wife was decided vide order dated 18.05.2018 and revision filed against the said order is pending adjudication before the Court of District and Sessions Judge, Jhajjar.

3. Learned counsel for the applicant further submits that applicant has two minor children to look after. She along with her children is living at her parental house. She is a poor lady and has no source of income. It is very difficult for her to travel 80 kms from Sonapat to Jhajjar on each and every date of hearing.

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 averments contained in the application and the conceded position that revision petition against the order dated 18.05.2018, is already pending in the Court at Jhajjar, it would be proper, appropriate and in the interest of justice if both 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 District Judge,

Sonepat is ordered to be withdrawn from that Court and is transferred to District Judge, Jhajjar, for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

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