

Sr. No.205

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

**TA No.335 of 2019 (O&M)
Date of Decision: 05.02.2020**

Nirmala

... Applicant

Versus

Sunil

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Prateek Rathee, Advocate,
for the applicant.

Mr. Anoop Verma, 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.77 of 2019 titled as “Sunil Vs. Nirmala” pending in the Court of District Judge, Family Court, Kaithal to the Court of competent jurisdiction at District Hisar.

2. Learned counsel for the applicant submits that one case under Domestic Violence Act and one complaint under Section 498-A IPC against the respondent-husband instituted at the instance of applicant-wife are already pending adjudication before the Judicial Magistrate Ist Class, Hansi.

3. Learned counsel for the applicant further submits that petitioner is residing at Hisar. The distance between Kaithal and Hisar is about 112 Kms. She has no source of income and it is difficult for her to go to Kaithal on each 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 contentions in the application and the conceded position that petition under Domestic Violence Act and complaint under Section 498-A IPC are already pending in the Court at Hansi, it would be proper, appropriate and in the interest of justice if all 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 The petition in question pending before the Court of District Judge, Family Court, Kaithal is ordered to be withdrawn from that Court and is transferred to the District Judge, Hisar for its disposal in accordance with law by the Court concerned.

05.02.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No