

Sr. No.209

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

**TA No.322 of 2019(O&M)
Date of Decision: 15.01.2020**

Jagdeep Kaur

... Applicant

Versus

Rajneesh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. H.K.Brinda, Advocate,
for the applicant.

Mr. Arvinder Arora, 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.47 of 2019 titled as “Rajneesh Vs. Jagdeep Kaur” pending in the Court of Learned Additional District Judge/Family Court Ambala camp at Naraingarh to the Court of competent jurisdiction at Rupnagar.

2. Learned counsel for the applicant submits that an FIR No.002 dated 09.01.2019 u/s 406/498-A IPC registered at the instance of applicant is pending adjudication at Morinda, District Rupnagar.

3. Learned counsel for the applicant submits that applicant is residing at Rupnagar. She has one minor daughter aged 3 years. The distance between Rupnagar and Naraingarh is about 150 Kms. She has no source of income and it is difficult for her to go to Naraingarh on each date of hearing. On the other hand, respondent is an Advocate and he can attend the Court proceedings at Rupnagar.

4. I have heard learned counsel for the parties and have gone through the record of the case.

5. Both the case pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that a case bearing FIR No.2 dated 09.01.2019 is pending adjudication at Rupnagar, 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petition in question pending before the Court of District Judge/Family Court Ambala Camp at Nariangarh is ordered to be withdrawn from that Court and is transferred to the District Judge, Rupnagar for its disposal in accordance with law by the Court concerned.

15.01.2020

Sonu Kumar

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No