

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

**TA-350-2020 (O&M)
Date of Decision: 10.11.2020**

Usha	Vs.	...Applicant
Sanjay		...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Deepak Choudhary, Advocate,
for the applicant.

None for the respondent.
(Presence marked through video conference).

ARUN MONGA, J. ORAL

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act bearing DMC/241/2020 titled as “Sanjay Vs. Usha” pending in the Court of Principal District Judge (Family Court), Hisar to the Court of competent jurisdiction at District Fatehabad.

2. Learned counsel for the applicant submits that trial for offences under Sections 498-A/406/323 IPC vide FIR bearing No.333 dated 21.05.2015 registered at the instance of the petitioner is already going on in the Court of Learned Judicial Magistrate, Fatehabad.

3. Learned counsel for the applicant submits that petitioner is currently residing in a rented accommodation at Fatehabad. She is working in Axis Bank, Sirsa. The distance from Fatehabad to Hisar is about 50 Kms. One minor son born out of the wedlock is in the custody of applicant-wife and is school going, who needs constant care and attention of the mother. She cannot leave him behind to attend the Court proceedings. Therefore, it is difficult for her to go to Hisar to attend court hearings.

4. Despite service, none has put in appearance or filed power of attorney on behalf of the respondent. In the premise, this Court is of the view 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. Both the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that trial under Sections 498-A/406/323 IPC is already pending before the Court of Learned Judicial Magistrate, Fatehabad, it would be proper, appropriate and in the interest of justice if two 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. Application is allowed. The petition in question pending before the Court of Principal District Judge, (Family Court) Hisar is ordered to be withdrawn from that Court and is transferred to the District Judge, Fatehabad for its disposal in accordance with law by the Court concerned.

NOVEMBER 10, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No