

Sr. No.210

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

TA-369-2019

Date of Decision: 04.02.2020

DAVINDER KAUR

... Applicant

Versus

JASPAL SINGH

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms.Sumanpreet Aulakh, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing HMA No. 63 of 2019 titled as “Jaspal Singh v/s Davinder Kaur” pending in the Court of Additional District & Sessions Judge, Rupnagar to the Court of competent jurisdiction at Patiala.

2. Learned counsel for the applicant-wife submits that one petition under Section 125 Cr.P.C. is pending at Patiala.

3. Learned counsel for the applicant further submits that petitioner is residing at Patiala with her parents. She has no source of income. She has one minor son to take care of and it is very difficult for her to attend hearing at Rupnagar which is 77 kms from Patiala. 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.

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

5. 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 petition under Section 125 Cr.P.C. for grant of maintenance is already pending at Patiala, 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 The petition in question pending before the Court of District Judge, Rupnagar is ordered to be withdrawn from that Court and is transferred to the District Judge, Patiala for its disposal in accordance with law by the Court concerned.

04.02.2020

Sonu

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No