

Sr. No.206

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

TA No.383 of 2019 (O&M)

Date of Decision: 05.02.2020

Neelam Verma

... Applicant

Versus

Sudhir Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. N.C.Kinra, Advocate,
for the applicant.

Mr. Vipin Pal Yadav, 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.33 of 2019 titled as “Sudhir Kumar Vs. Neelam Verma” pending in the Court of District Judge, Narnaul to the Court of competent jurisdiction at Gurugram.

2. Learned counsel for the applicant submits that complaint under Domestic Violence Act and petition under Section 9 of Hindu Marriage Act are also pending at Gurugram. Complaint filed by the applicant-wife is also pending in Women Police Station at Gurugram.

3. Learned counsel for the applicant further submits that petitioner is residing Amity University Campus, Pachgaon, Tehsil Maneser, District Gurugram, where she is serving as an Assistant

Professor. The distance between Narnaul and Gurugram is about

115 Kms. It is difficult for her to go to Narnaul on each date of hearing.

4. Learned counsel for the respondent-husband opposes the transfer application on the ground that one minor child born out of the wedlock is in the custody of respondent-husband and is in 5th standard, who was left by the applicant-wife when he was nine months old while going for her own studies in Delhi University and respondent is maintaining him from the childhood.

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

6. 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 complaint under the Protection of Women from Domestic Violence Act, 2005 and petition under Section 9 of Hindu Marriage Act are already pending in Gurugram, it would be proper, appropriate and in the interest of justice if all the 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. Even otherwise, this Court is of the opinion that since respondent-husband as well as his father are both practising in District Court, Narnaul, the continuance of trial of this case there

may perhaps be professionally embarrassing being personal matter of the respondent, as he and his father are usually practising at that place. It is in the interest of justice that this matrimonial matter is also tried at the place where the other matters are pending before the same Family Court.

9. In the premise, present application is allowed. The petition in question pending before the Court of District Judge, Narnaul is ordered to be withdrawn from that Court and is transferred to the District Judge, Gurugram 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