

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

**Transfer Application No. 377 of 2019(O&M)
Date of Decision: 23.01.2020.**

Rozy Rani

... Petitioner

versus

Sandeep Kumar

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

**Present:- Mr. S.S. Nain, Advocate
for the petitioner.**

**Mr. Tarun Sharma, Advocate for
Mr. P.S. Jammu, Advocate
for the respondent.**

ARUN MONGA, J.

1. Applicant-wife is seeking transfer of petition filed by respondent-husband under Section 13 of Hindu Marriage Act against her for dissolution of marriage, titled as “Sandeep Kumar Vs. Rozy Rani”, pending in the Court of Additional District Judge, Kurukshetra to the competent Court in District Ambala.

2. Learned counsel for the petitioner submits that destitute wife is residing in the jurisdiction of District Ambala. A petition under Section 125 Cr.P.C. for maintenance and under Section 9 of Hindu Marriage Act instituted at the instance of the applicant-wife are pending adjudication in the Court at Ambala. According to learned counsel, it is not possible for the wife, who has no income, to travel to Kurukshetra from Ambala to contest

the divorce petition filed by the husband.

3. In the reply, the respondent resisted the prayer of the petitioner and sought dismissal of the transfer petition.

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 after-math of matrimonial discord. Petitions for maintenance and restitution of conjugal rights instituted at the instance of applicant-wife are pending adjudication at Ambala. It would, therefore, be just and proper 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 The petition in question pending before the Court of Additional District Judge, Kurukshetra is ordered to be withdrawn from that Court and is transferred to the District Judge, Ambala for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

January 23, 2020
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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |