

**Sr. No.205
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.428 of 2019 (O&M)
Date of Decision: 11.02.2020**

Gurmit Kaur

... Applicant

Versus

Devinder Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.S.Chauhan, Advocate,
for the applicant.

Mr. Arshdeep Bhullar, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 (1) (ia)(ib) of the Hindu Marriage Act, 1955 bearing HMA No.964/2018 titled as “Devinder Singh Vs. Gurmit Kaur” pending in the Court of Learned Additional District Judge, Chandigarh to the Court of competent jurisdiction at Sangrur.

2. Learned counsel for the applicant submits that maintenance amount was awarded under Section 125 Cr.P.C. in favour of the applicant-wife vide order dated 08.08.2018 but the respondent-husband has not paid the maintenance amount.

3. Learned counsel for the applicant further submits that petitioner is residing at Sangrur with her old age parents. She has no source of income The distance between Chandigarh and Sangrur is about 145 Kms. Therefore, it is difficult for her to come

to Chandigarh on each date of hearing.

4. Learned counsel for the respondent opposes the transfer application by saying that respondent is 52 years old. He went into depression and underwent treatment through Psychiatry Ward of Government Medical College and Hospital, Sector 32, Chandigarh. Therefore, it is difficult for him to go to Sangrur on each date of hearing.

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

6. The case pending between the parties is aftermath of matrimonial discord.

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. In the premise, present application is allowed. The petition in question pending before the Court of learned Additional District Judge, Chandigarh is ordered to be withdrawn from that Court and is transferred to the District Judge, Sangrur for its disposal in accordance with law by the Court concerned.

11.02.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No