

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

T.A NO. 434 OF 2019

DATE OF DECISION : 08.01.2020

Brahmjot Kaur

...Applicant

versus

Ranbir Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajinder Goyal, Advocate,
for the applicant.

Mr. N. S. Vashist, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by wife seeking transfer of a petition filed by her husband under Section 13(i-a) of the Hindu Marriage Act, from the Court of Additional Principal Judge, Family Court, Patiala to the Court of Principal Judge, District Judge, Ludhiana.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C is pending in the Court of Principal Judge, Family Court, Ludhiana. The applicant is residing with her parents at Ludhiana. She has one minor daughter to look after and it is very difficult for her to travel for about 90 kms from Patiala to Ludhiana on each date of hearing. On the other hand, respondent is a businessman and he can attend Court at Ludhiana.

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

4. All the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that petition under Section 125 Cr.P.C. is already pending in the Court at Ludhiana, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

5. Learned counsel for the applicant also relies upon judgment of Hon'ble Apex Court in case titled ***Samita 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.

6. In the premise, present petition is allowed. The petition in question pending before the Court of Additional Principal Judge, Family Court, Patiala is ordered to be withdrawn from that Court and is transferred to the District Judge, Ludhiana for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

JANUARY 08, 2020

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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |