

**Sr. No.207
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.454 of 2019 (O&M)
Date of Decision: 28.01.2020**

Neelam Rani

... Applicant

Versus

Baldev Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Y.K.Aneja, Advocate,
for the applicant.

Mr. J.S.Thind, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act titled as “Baldev Singh Vs. Neelam Rani” pending in the Court of Additional District and Sessions Judge, Fazilka to the Court of competent jurisdiction at Sirsa.

2. Learned counsel for the applicant submits that execution petition under Section 128 Cr.P.C. filed by the applicant-wife and application filed by the respondent under Order 9 Rule 13 read with Section 151 CPC for setting aside ex-parte order in application under Section 125 Cr.P.C. are already pending at Sirsa.

3. Learned counsel for the applicant further submits that petitioner is residing at Sirsa. She has one major son, who is studying at Sirsa. She has no source of income. The distance

between Fazilka and Sirsa is about 190 Kms. and it is difficult for her to go to Fazilka on each date of hearing.

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

5. 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 petition under Section 128 Cr.P.C. and application under Order 9 Rule 13 CPC are already pending in the Court at Sirsa, it would be proper, appropriate and in the interest of justice 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in question pending before the Court of learned Additional District and Sessions Judge, Fazilka is ordered to be withdrawn from that Court and is transferred to the District Judge, Sirsa for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

28.01.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No