

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

**TA-385-2020 (O&M)
Date of Decision: 23.11.2020**

Rajni Rani	Versus	...Applicant
Dharamvir Singh and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ashish Gupta, Advocate
for the applicant/petitioner.

Mr. A.V.S.Barsat, Advocate,
for the respondents.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Applicant-wife seeks transfer of Civil Suit No.245 of 2020 dated 08.07.2020 seeking relief of permanent injunction and mandatory injunction filed by the respondent-husband titled as “Dharamvir Singh Vs. Rajni Rani” pending in the Court of Additional Civil Judge (Senior Division), Nabha, to the Court of competent jurisdiction at Moga.

2. Learned counsel for the applicant submits that case under Section 125 Cr.P.C. and complaint under Domestic Violence Act registered at the instance of the applicant/petitioner against the respondent-husband are already pending before the learned Family Court at Moga. He further submits that apart from these two cases, the applicant has also given complaint in the Women Cell, Moga regarding dowry and the said complaint is still under investigation. Even the proceedings initiated by the applicant against respondents under Section 107/151 Cr.P.C. are also pending before the Learned Sub Divisional Magistrate at Moga .

3. Learned counsel for the applicant submits that petitioner is currently residing in a parental home at Village Umriana, District Moga. She

is dependent upon her parents. She has no source of income. The distance from Moga to Nabha is about 150 Kms. One minor girl born out of the wedlock is in the custody of applicant-wife and is school going, who needs constant care and attention of the mother. She cannot leave her behind to attend the Court proceedings. Therefore, it is difficult for her to go to Nabha to attend court hearings.

4. Learned counsel for the respondent-husband appears and submits that he does not wish to file return. Though he has objected to the prayer of the applicant/petitioner, however, he admits that petitioner is residing at Moga.

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 case under Section 125 Cr.P.C. and complaint under Domestic Violence Act are already pending before the learned Family Court, Moga, it would be proper, appropriate and in the interest of justice if all 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. In the premise, without going into the allegations/counter allegations, the present transfer application is allowed. The civil suit in question pending before the Court of Additional Civil Judge (Senior

Division), Nabha is ordered to be withdrawn from that Court and is transferred to the District Judge, Moga for its disposal in accordance with law by the Court concerned.

November 23rd, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No