

**Sr. No.213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.482 of 2019 (O&M)
Date of Decision: 06.02.2020**

Suman

... Applicant

Versus

Krishan

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Shivansh Malik, Advocate,
for the applicant.

Mr. Harish Bhardwaj, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 bearing DMC No. 1249/2018 titled as “Krishan Vs. Suman” pending in the Court of Learned Principal Judge, Family Court, Sonapat to the Court of competent jurisdiction at Rohtak.

2. Learned counsel for the applicant submits that one complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 filed by the applicant-wife is already pending at Rohtak.

3. Learned counsel for the applicant further submits that petitioner is residing at Rohtak. She has no source of income. She is fully dependent on her parents. The distance between Sonapat and Rohtak is about 48 Kms. Two minor children 6 years and 5 years respectively born out of the wedlock are in the custody of

applicant-wife and are school going, who need constant care and attention of the mother. She cannot left them behind to attend the Court proceedings. Therefore, it is difficult for her to go to Sonapat on each date of hearing.

4. Learned counsel for the respondent opposes the transfer application by filing a reply in Court today, which is taken on record and perused.

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

6. Both the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 is already pending in the Court at Rohtak, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

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 The petition in question pending before the Court of Learned Principal Judge, Family Court, Sonapat is ordered to be withdrawn from that Court and is transferred to the District Judge, Rohtak for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

06.02.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No