

Sr. No.213

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

TA No.488 of 2019

Date of Decision: 03.02.2020

ANOOP KAUR

... Applicant

Versus

PALWINDER SINGH

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.N.S.Diwana, Advocate,
for the applicant.

Mr.Hardip Singh, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing No. HMA/133/2018 titled as “Palwinder Singh v/s Anoop Kaur” pending in the Court of Family Court, Ludhiana to the Court of competent jurisdiction at Mohali.

2. Learned counsel for the applicant-wife submits that one more petition u/s 125 Cr.P.C. is pending at Mohali.

3. Learned counsel for the applicant further submits that petitioner is residing at Mohali. She has one minor child to look after. She has no source of income and it is very difficult for her to attend hearing at Ludhiana which is 107 kms from Mohali. 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.

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

5. Both 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 125 Cr.P.C. is already pending at Mohali, it would be proper, appropriate and in the interest of justice, if both cases are tried and decided at one place.

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 The petition in question pending before the Court of Family Court, Ludhiana is ordered to be withdrawn from that Court and is transferred to the District Judge, Mohali (SAS Nagar) for its disposal in accordance with law by the Court concerned.

03.02.2020

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**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No