

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

**CRM-M No.54543 of 2018
Date of Decision.21.01.2020**

Suman

...Petitioner

Vs

Gurmeet Kaur and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. K.B. Sidhu, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

1. Learned counsel appearing on behalf of the petitioner herein contends that the petitioner is facing litigation under the Protection of Women from Domestic Violence Act, 2005 (for short DV Act), which has been instituted by Gurmeet Kaur, mother-in-law at Naraingarh, while further contending that she was thrown out of the matrimonial home by her husband and her in-laws, which necessitated filing of the petition under Section 125 Cr.P.C. A petition under Section 13 of the Hindu Marriage Act was filed by her husband before the District Judge, Family Court at Ambala, which already stands transferred to Kurukshetra by way of Transfer Application No.1093 of 2018 decided on 26.03.2019.

2. Learned counsel for the petitioner further contends that being a young person and taking care of a minor child without much financial set up, it is difficult for her to go from her parental place to Naraingarh to attend the date of hearing in the Courts and therefore, prays for acceptance of the transfer application.

3. Notice of the application has been served upon respondent No.1 and as per the office report, she stands duly served but has not turned up to contest the application.

4. I have heard learned counsel for the petitioner and have also perused the order passed in TA No.1093 of 2018. The judgments as rendered by the Hon'ble Apex Court in *Sumita Singh Vs. Kumar Sanjay and another 2002 AIR (SC) 396*, *Bhartiben Ravibhai Rav Vs. Ravibhai Govindbhai Rav 2017(3) RCR (Civil) 369* and a coordinate Bench of this Court in *Apurva Vs. Navtej Singh 2017(2) Law Herald 966* have held that the Courts should take into consideration various factors like economic soundness of either of the parties, social strata of the spouses and also should look into the convenience of the wife, while deciding the transfer application.

5. In the instant case, there is no contest to the allegations as set out in the petition. While taking into account that the petition filed under Section 13 of the Hindu Marriage Act along with the petition under Section 125 Cr.P.C. are already pending in the Courts at Kurukshetra, it would be in the interest of the petitioner herein, who does not have the financial resources to travel up and down and considering the fact that she is seeking maintenance as well, to transfer the proceedings before the Court at Naraingarh to the Court at Kurukshetra. Consequently, the instant petition is allowed. Let the proceedings before the Court at Naraingarh be withdrawn and transferred to the Family Court at Kurukshetra for disposal in accordance with law. Parties are directed to appear before the Family Court, Kurukshetra on 28.02.2020. Record, if any, be also transmitted to

the Family Court Kurukshetra.

6. A copy of this order be sent to the District Judge, Kurukshetra as well as District Judge, Ambala for compliance.

(JAISHREE THAKUR)
JUDGE

January 21, 2020
Pankaj*

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