

**Sr. No.218
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.537 of 2019 (O&M)
Date of Decision: 06.02.2020**

Jyoti

... Applicant

Versus

Rahul

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Akashdeep Sethi, Advocate,
for the applicant.

Mr. O.P.Kamboj, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of Hindu Marriage Act, 1955 bearing DMC No.39 of 2019 titled as “Rahul Vs. Jyoti” pending in the Court of Learned District and Sessions Judge, Fazilka to the Court of competent jurisdiction at Faridkot.

2. Learned counsel for the applicant submits that one FIR under Sections 498A, 406 IPC against the respondent was registered in City Kotkapura and challan has been presented in this case. Further, applicant-petitioner has filed a petition under Section 125 Cr.P.C., which is already pending at Faridkot.

3. Learned counsel for the applicant further submits that petitioner is residing at Faridkot. She has no source of income. Her father has since expired. Her mother is old age lady and bed ridden. She is fully dependent on her brother, who is doing private

job. The distance between Fazilka and Faridkot is about 104 Kms. He further submits that one minor daughter 11 months old is in the custody of the applicant-wife and who needs constant care and attention of the mother. She cannot be left behind to attend the Court proceedings. Therefore, it is difficult for her to go to Fazilka on each date of hearing.

4. I have heard learned counsel for the parties 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 125 Cr.P.C. for grant of maintenance is already pending in the Court at Faridkot, it would be proper, appropriate and in the interest of justice if all the 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 The petition in question pending before the Court of learned District and Sessions Judge, Fazilka is ordered to be withdrawn from that Court and is transferred to the District Judge, Faridkot for its disposal in accordance with law by the Court concerned.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