

**Sr. No.207
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.524 of 2019 (O&M)
Date of Decision: 20.01.2020**

Meenu Goyal

... Applicant

Versus

Umesh Kumar Garg

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. M.S.Randhawa, Advocate,
for the applicant.

None 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 bearing HMA No.507 of 2018 titled as "Umesh Kumar Vs. Meenu Goyal" pending in the Court of District Judge (Family Court), Barnala to the learned Family Court at Jagraon, District Ludhiana.

2. Learned counsel for the applicant submits that one petition under Section 13 (i) (i-a) (i-b) of Hindu Marriage Act filed by the applicant-wife is pending before Additional Principal Judge, Family Court, Jagraon, District Ludhiana.

3. Learned counsel for the applicant submits that petitioner is residing at Mohalla Khela Khangura, Raikot, Tehsil Raikot, District Ludhiana. One minor child born out of wedlock is in custody of the applicant wife. She has no source of income. The distance from her village to Ludhiana is about 40 Kms. and it is difficult for her to go to Barnala on each date of hearing. On the other hand, respondent is well earning man and he can attend the

Court proceedings at Ludhiana.

4. Despite service, none has put in appearance on behalf of the respondent.

5. I have heard learned counsel for the applicant 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 petition under Section 13 (i) (i-a) (i-b) of Hindu Marriage Act is already pending before Additional Principal Judge, Family Court, Jagraon, District Ludhiana, it would be proper, appropriate and in the interest of justice if two matrimonial 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, present application is allowed. The petition in question pending before the Court of learned District Judge, (Family Court) Barnala is ordered to be withdrawn from that Court and is transferred to the District Judge, Ludhiana for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

20.01.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No