

Sr. No.217

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

**TA No.534 of 2019 (O&M)
Date of Decision: 06.02.2020**

Vandhana

... Applicant

Versus

Sunny Khurana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Shagufa Benipal, 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 13 (1) (ia) and (ib) of Hindu Marriage Act, 1955 titled as “Sunny Khurana Vs. Vandhna” pending in the Court of Learned District Judge, Mansa to the Court of competent jurisdiction at Kurukshetra.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. for grant of maintenance and one application against the respondent and his family members under Section 498-A, 406 IPC filed by the applicant-wife are already pending at Kurukshetra.

3. Learned counsel for the applicant further submits that petitioner is residing at Kurukshetra with her parents. She has no

source of income The distance between Mansa and Kurukshetra is about 185 Kms. One female child born out of the wedlock is in the custody of applicant-wife, who needs constant care and attention of the mother. She cannot left her behind to attend the Court proceedings. Therefore, it is difficult for her to go to Mansa on each date of hearing.

4. On the other hand, respondent is working at Mansa as Senior Commercial Clerk (Ticket Booking Clerk) in Railway Department and earning handsome salary. There is no difficulty for him to travel from Mansa to Kurukshetra.

5. Despite service, none has put in appearance on behalf of the respondent-husband and in the premise, this Court is of the view that respondent-husband is deemed to have consented the present transfer application by not contesting the same.

6. I have heard learned counsel for the applicant and have gone through the record of the case.

7. 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 and one application under Section 498-A, 406 IPC are already pending at Kurukshetra, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

8. 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.

9. In the premise, present application is allowed. The petition in question pending before the Court of learned District Judge, Mansa is ordered to be withdrawn from that Court and is transferred to the District Judge, Kurukshetra for its disposal in accordance with law by the Court concerned.

06.02.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No