

Sr. No.208

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

**TA No.533 of 2019 (O&M)
Date of Decision: 20.01.2020**

Shikha Minhas

... Applicant

Versus

Deepak Singh Thakur

... 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.38 of 2019 titled as “Deepak Singh Thakur Vs. Shikha Minhas” pending in the Court of Learned Civil Judge, (Junior Division), Chandigarh to the Court of competent jurisdiction at Mukerian, District Hoshiarpur.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. filed by the applicant-wife is pending before learned Principal Judge, Family Courts, Camp at Mukerian, District Hoshiarpur.

3. Learned counsel for the applicant submits that petitioner is residing at village Kala Manjh, Tehsil Mukerian, District Hoshiarpur. She has one minor child. She has no source of

income. The distance between Chandigarh and Hoshiarpur is about 200 Kms. and it is difficult for her to go to Chandigarh on each date of hearing. On the other hand, respondent is well earning man and he can attend the Court proceedings at Mukerian, District Hoshiarpur.

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 125 Cr.P.C. is already pending before learned Principal Judge, Family Courts, Camp at Mukerian, District Hoshiarpur, it would be proper, appropriate and in the interest of justice if both 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The petition in question pending before the Court of learned Civil Judge, Junior Division, Chandigarh is ordered to be withdrawn from that Court and is transferred to the District Judge, Hoshiarpur

for its disposal in accordance with law by the Court concerned.

20.01.2020	(ARUN MONGA)
vandana	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No