

Sr. No.220

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

**TA No.550 of 2019 (O&M)
Date of Decision: 06.02.2020**

Namita

... Applicant

Versus

Ashish Pannu

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Neeraj Sheoran, Advocate,
for the applicant.

Mr. Mani Ram Verma, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 (1) (ia) of Hindu Marriage Act, 1955 bearing case No. DMC/218/2019 titled as “Ashish Pannu Vs. Namita” pending in the Court of learned Additional Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Bhiwani.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. for grant of maintenance and FIR under Sections 498A/406, 506, 354-A, 354-C and 377 read with Section 34 of IPC was registered against the respondent and both cases are pending at Bhiwani.

3. Learned counsel for the applicant further submits that

petitioner is residing at Bhiwani. The distance between Rohtak and Bhiwani is about 46 Kms. It is difficult for her to go to Rohtak on each date of hearing to attend the Court proceedings.

4. Learned counsel for the respondent opposes the transfer application. At the first instance, learned counsel for the respondent made an offer to pay litigation charges/travel expenses and on his statement when this Court had proposed to him to pay Rs.3000/- per hearing, he backed out from the submissions. He states that he will pay Rs.70/- only towards rail/bus fare.

6. I have heard learned counsel for the parties 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 case under Sections 498A/406, 506, 354-A, 354-C and 377 read with Section 34 of IPC are already pending at Bhiwani, 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 Additional Principal Judge, Family Court, Rohtak is ordered to be withdrawn from that Court and is transferred to the District Judge, Bhiwani 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