

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

**TA No.612 of 2019 (O&M)
Date of Decision: 07.02.2020**

Harpreet Kaur

... Applicant

Versus

Kamalpreet Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. G.K.Dulat, Advocate,
for the applicant.

Ms. Sonia, Advocate for
Mr. Rituraj Singh, Advocate,
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, 1955 bearing HMA No.1388 of 2019 titled as “Kamalpreet Singh Vs. Harpreet Kaur” pending in the Court of learned Additional District Judge, Rupnagar to the Court of competent jurisdiction at S.A.S. Nagar, Mohali.

2. Learned counsel for the applicant submits that the applicant-wife is residing with her parents at Village Mouli Baidwan, Tehsil and District Mohali. She has no source of income. She is having pregnancy of 22 weeks and taking treatment in Phase-6 Mohali. The distance between Mohali and Rupnagar is about 50 Kms. It is very difficult for her to go the Rupnagar to attend the Court proceedings.

3. Learned counsel for the applicant further submits that respondent-husband has deliberately filed the petition under Section

9 of the Hindu Marriage Act, 1955 at District Rupnagar by giving a wrong address just to harass the applicant-wife whereas he is a permanent resident of Village Rampur, Tapprian, Tehsil Kharar District Mohali.

4. I have heard learned counsel for the parties and have gone through the record of the case.

5. The case pending between the parties is aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that applicant-wife is pregnant. Given her medical condition it is obvious she is unable to travel. It would be proper, appropriate and in the interest of justice if the case is tried and decided at SAS Nagar, District Mohali.

6. 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.

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 The petition in question pending before the Court of Additional District Judge, Rupnagar is ordered to be withdrawn from that Court and is transferred to the District Judge, Mohali for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

07.02.2020

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No