

Sr. No.209

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

**TA No.655 of 2019 (O&M)
Date of Decision: 20.01.2020**

Pooja Saroha/Rathee @ Vandana

... Applicant

Versus

Deepak Rathee

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Manoj Kumar Sharma, 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 of the Hindu Marriage Act bearing HMA No.53 of 2019 titled as “Deepak Rathee Vs. Pooja Saroha/Rathee” pending in the Court of District and Sessions Judge, Jhajjar to the Court of competent jurisdiction at Sonapat.

2. Learned counsel for the applicant submits that petitioner is residing at Sonapat. She has one minor child. The distance between Jhajjar and Sonapat is about 90 Kms. and it is difficult for her to go to Jhajjar on each date of hearing. On the other hand, respondent is appearing through special power of attorney before the trial Court in HMA Proceedings as he is out of country. Power of Attorney holder can attend court at Sonapat also.

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

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 respondent is appearing through special power of attorney before the trial Court. Therefore, he can attend the Court proceedings at Sonapat also, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

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 The petition in question pending before the Court of District and Sessions Judge, Jhajjar is ordered to be withdrawn from that Court and is transferred to the District Judge, Sonapat for its disposal in accordance with law by the Court concerned.

20.01.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No