

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

**T.A NO. 631 OF 2019 (O&M)
DATE OF DECISION : 03.02.2020**

Kavita

...Applicant

versus

Manik Talwar

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amit Rana, Advocate,
for the applicant.

Mr. Sandeep Kotla, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

CM NO. 24369-CII OF 2019

For the reasons stated in the application, same is allowed and reply to the application is taken on record, subject to all just exceptions.

MAIN CASE

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 9 of the Hindu Marriage Act, 1955, titled as "Manik Talwar v. Kavita" pending in the Court of Principal Judge, Family Court, Panipat to any other Court of competent jurisdiction at Family Court (Camp Court), Khanna.

2. Learned counsel for the applicant submits that petition under Section 13 of the Hindu Marriage Act, 1955, for dissolution of marriage filed by the applicant-wife, is already pending in the Court at Khanna.

3. Learned counsel for the applicant further submits that applicant is residing with her mother at her parental house. She has no

source of income. It is very difficult for her to travel about 185 kms from Panipat to Khanna on each and every date of hearing. There is no male member in the family to accompany her.

4. 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.

5. I have heard learned counsel for the parties and have gone through the records of the case.

6. Both the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that one petition under Section 13 of the Hindu Marriage Act, 1955, instituted at the instance of applicant-wife, is already pending in the Court at Khanna, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

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 The petition in question pending before the Court of Principal Judge, Family Court, Panipat is ordered to be withdrawn from that Court and is transferred to District Judge, Khanna, for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 03, 2020
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |