

Sr. No.209

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

**TA No.626 of 2019 (O&M)
Date of Decision: 24.01.2020**

Sukhjinder Kaur

... Applicant

Versus

Paramjit Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Kanwal S. Walia, 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 No. DMC/798/2019 titled as "Paramjit Singh Vs. Sukhjinder Kaur" pending in the Court of Principal Judge, Family Court, Jalandhar to the Court of competent jurisdiction at Kapurthala.

2. Learned counsel for the applicant submits that applicant-wife lodged FIR No. 154 dated 01.08.2016 under Sections 498-A, 406 IPC at Police Station City Kapurthala, which is pending adjudication at Kapurthala and two more more petitions i.e. one under Section 125 Cr.P.C. and the second under the Protection of Women from Domestic Violence Act filed by the applicant-wife against respondent are also pending at Kapurthala.

3. Learned counsel for the applicant submits that petitioner is residing at village Allaudinpur, District Kapurthala and it is difficult for her to go to Jalandhar on each date of hearing. On the other hand, respondent can attend the Court proceedings at Kapurthala also.

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

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

6. All the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the fact that an FIR under Sections 498-A/406 IPC and petitions under Section 125 Cr.P.C. and Protection of Women from Domestic Violence Act instituted at the instance of applicant-wife against respondent is pending at Kapurthala. Therefore, it would be proper, appropriate and in the interest of justice if both the 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 Principal Judge, Family Court, Jalandhar is ordered to be withdrawn from that Court and is transferred to the District Judge, Kapurthala for its

disposal in accordance with law by the Court concerned.

24.01.2020 Satyawan	(ARUN MONGA) JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No