

**Sr. No.216
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.687 of 2019 (O&M)
Date of Decision: 05.02.2020**

Amanpreet Kaur

... Applicant

Versus

Manikant

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Gaurav Khera, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. As per service report, summons were sent by the Registry but the same were refused to be accepted by the respondent-husband. In the premise, he is proceeded ex parte.

2. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act titled as “Mani Kant Vs. Amanpreet” pending in the Court of Learned District Judge, Kapurthala to the Court of competent jurisdiction at Sri Anandpur Sahib.

3. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. filed by the applicant-wife is pending at Sri Anandpur Sahib.

4. Learned counsel for the applicant further submits that she is residing at Village Kalanpur, Tehsil Anandpur Sahib, District Rupnagar with her old mother. Father of the applicant has expired. The distance between Kapurthala and Sri Anandpur Sahib

is 220 Kms. She has no source of income and it is difficult for her to go to Kapurthala on each date of hearing.

5. Earlier, the respondent had caused appearance. Today, none is present for him.

6. I have heard learned counsel for the applicant and have gone through the record of the case.

7. Both the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the petition under Section 125 Cr.P.C. is already pending in the Court at Sri Anandpur Sahib, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place or at nearest two places.

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 The petition in question pending before the Court of Learned District and Sessions Judge, Kapurthala is ordered to be withdrawn from that Court and is transferred to the District Judge, Rupnagar for its disposal in accordance with law by the Court concerned having competent jurisdiction.

(ARUN MONGA)
JUDGE

05.02.2020

vandana

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No