

Sr. No.277

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

TA-649-2019

Date of Decision: 05.02.2020

SIMRAN

... Applicant

Versus

RAJ KUMAR

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms.Swati Batra, Advocate
for the applicant.

Mr.Vishwajeet, Advocate
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing HMA No.8 of 2019 titled as “Raj Kumar v/s Simran” pending in the Court of Additional District and Sessions Judge, Shri Muktsar Sahib to the Court of competent jurisdiction at Moga.

2. Learned counsel for the applicant-wife submits that one more petition between the parties is pending in court at Moga.

3. Learned counsel for the applicant further submits that petitioner is residing at Moga with her parents. She has two minor children to take care of. She has no source of income and it is very difficult for her to attend hearings at Shri Muktsar Sahib which is 100 kms from Moga. 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.

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

5. The cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that petition under Section 125 of Cr.P.C. and execution thereof are already pending at Moga, it would be proper, appropriate and in the interest of justice, if all cases are tried and decided at one place.

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in question pending before the Court of Additional District and Sessions Judge, Shri Muktsar Sahib is ordered to be withdrawn from that Court and is transferred to the District Judge, Moga for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

05.02.2020

Sonu

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No