

Sr. No.212

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

**TA No.652 of 2019 (O&M)
Date of Decision: 11.02.2020**

Sandeep Kaur

... Applicant

Versus

Surinder Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sunny K. Singla, 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, 1955 titled as “Surinder Singh Vs. Sandeep Kaur” pending in the Court of Learned Additional District Judge, Fatehgarh Sahib to the Court of competent jurisdiction at District Sangrur.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. filed by the applicant-wife is already pending at Malerkotla.

3. Learned counsel for the applicant further submits that petitioner is residing at Village Kanganwal, Tehsil Malerkotla, District Sangrur. She has no source of income. She is fully dependent on her parents. The distance from her village to Fatehgarh Sahib is about 70 Kms. One minor child 5 months old born out of the wedlock is in the custody of applicant-wife, who

needs constant care and attention of the mother. She cannot left him behind to attend the Court proceedings. Therefore, it is difficult for her to go to Fatehgarh Sahib on each date of hearing.

4. On the last date of hearing, Mr. Rajesh Bhateja, Advocate appeared on behalf of the respondent. But today, none appeared. In the premise, this Court is of the view that respondent-husband is deemed to have consented the present transfer application by not contesting the same.

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

6. Both 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 Cr.P.C. for grant of maintenance is already pending in the Court at Malerkotla, 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petition in question pending before the Court of Learned Additional District Judge, Fatehgarh Sahib is ordered to be withdrawn from that Court and is transferred to the District Judge, Sangrur for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

06.02.2020

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No