

Sr. No.208

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

TA No.654 of 2019 (O&M)

Date of Decision: 29.01.2020

Pooja

... Applicant

Versus

Ramit Raj

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Prince Goyal, 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 HMA No.129 of 2019 titled as "Ramit Raj Vs. Pooja" pending in the Court of District and Sessions Judge, Sri Muktsar Sahib to the Court of competent jurisdiction at Bathinda.

2. Learned counsel for the applicant submits that FIR under Sections 406 and 498-A IPC against the respondent at the instance of the applicant/petitioner is already pending adjudication at Bathinda.

3. Learned counsel for the applicant further submits that petitioner is residing with her parents at Goneana Mandi, District Bathinda. The distance between Goneana Mandi and Sri Muktsar Sahib is about 65 Kms. and there is no direct bus service. She has no source of income and it is difficult for her to go to Sri Muktsar

Sahib on each date of hearing.

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

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 FIR under Sections 406, 498-A IPC is already pending adjudication at Bathinda it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

6. 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.

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 The petition in question pending before the Court of District and Sessions Judge, Sri Muktsar Sahib is ordered to be withdrawn from that Court and is transferred to the District Judge, Bathinda for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

29.01.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No