

Sr. No.221

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

**TA No.657 of 2019 (O&M)
Date of Decision: 07.02.2020**

Divya

... Applicant

Versus

Gaurav Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Ramandeep Kaur, 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 9 of the Hindu Marriage Act, titled as “Gaurav Kumar Vs. Divya” pending in the Court of Civil Judge, Senior Division, Fatehgarh Sahib to the Court of competent jurisdiction at Patiala.

2. Learned counsel for the applicant submits that one petition under Section 13 of the Hindu Marriage Act, 1955 filed by the applicant wife is pending at Patiala.

3. Learned counsel for the applicant submits that the applicant-wife is residing with her parents at Patiala. She belongs to a poor family and she has no source of income. The distance between Fatehgarh Sahib and Patiala is about 35 Kms. and it is difficult for her to go to Fatehgarh Sahib on each date of hearing.

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

of the respondent-husband and 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 13 of Hindu Marriage Act, 1955 is already pending in the Court at Patiala 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 The petition in question pending before the Court of Civil Judge, Senior Division, Fatehgarh Sahib is ordered to be withdrawn from that Court and is transferred to the District Judge, Patiala for its disposal in accordance with law by the Court concerned.

07.02.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No