

Sr. No.215

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

**TA No.675 of 2019 (O&M)
Date of Decision: 16.01.2020**

Nicky

... Applicant

Versus

Mohit Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Nishant Raj Ghangas, Advocate,
for the applicant.

Mr. Sandeep Gahlawat, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

CM-22931-CII-2019

Application is allowed as prayed for.

Reply filed by the respondent is taken on the record.

TA No.675 of 2019

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act bearing HMA No.512 of 2019 titled as “Mohit Singh Vs. Nicky Kanota” pending in the Court of Learned District and Sessions Judge, Chandigarh to the Court of competent jurisdiction at Panipat.

2. Learned counsel for the applicant submits that petitioner is residing at Panipat. The distance between Panipat

and Chandigarh is about 170 Kms. She has no source of income and it is difficult for her to go to Chandigarh on each date of hearing. On the other hand, respondent is well earning man and he can attend the Court proceedings at Panipat.

3. On the other hand, learned counsel for the respondent resisted the claim of applicant that the present application is liable to be rejected on the sole ground as no specific plea has been taken for transfer. However, the perusal of para 3 of reply shows that the litigation with regard to matrimonial dispute is pending at Panipat.

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

5. 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.

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 The petition in question pending before the Court of Learned District and Sessions Judge, Chandigarh is ordered to be withdrawn from that Court and is transferred to the District Judge, Panipat for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

16.01.2020

Satyawan

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No