

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

**T.A NO. 693 OF 2019
DATE OF DECISION : 12.02.2020**

Rajwinder Kaur

...Applicant

versus

Deepak Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sahil Gambhir, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 13 of the Hindu Marriage Act, 1955, titled as "Deepak Kumar v. Rajwinder Kaur" pending in the Court of Additional Principal Judge, Family Court, Ambala to any other Court of competent jurisdiction at Kurukshetra.

2. Learned counsel for the applicant submits that two petitions under Section 125 Cr.P.C and Section 12 of Protection of Women from Domestic Violence Act, 2005, instituted at the instance applicant-wife, are pending in the Courts at Kurukshetra. Criminal proceedings vide FIR No.0677 dated 14.11.2016 are also pending in the Court at Kurukshetra.

3. Learned counsel for the applicant also submits that applicant is a poor lady and residing with her mother at Kurukshetra. She is totally dependent upon her mother who is a widow. It is very difficult for her to travel 60 kms from Kurukshetra to Ambala on each and every date of hearing.

4. On the last date of hearing, there was representation on behalf the respondent but today no one has put in appearance on his behalf. Hence, 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 records of the case.

6. All the cases pending between the parties is aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that two petitions under Section 125 Cr.P.C and Section 12 of Protection of Women from Domestic Violence Act, 2005, along with criminal proceedings are already pending adjudication at Kurukshetra, it would be proper, appropriate and in the interest of justice if all 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The petition in question pending before the Court of Additional Principal Judge, Family Court, Ambala, is ordered to be withdrawn from that Court and is transferred to District Judge, Kurukshetra for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 12, 2020
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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No