

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

**T.A NO. 759 OF 2019
DATE OF DECISION : 10.02.2020**

Jyoti @ Ena

...Applicant

versus

Atul

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. B. K. Majoka, 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 9 of the Hindu Marriage Act, 1955, bearing DMC No.938 of 2018 titled as "Atul v. Jyoti @ Ena" pending in the Court of Additional Principal Judge, Family Court, Sonipat to any other Court of competent jurisdiction at Faridabad.

2. Learned counsel for the applicant submits that criminal proceedings under Section 323/498-A/506 IPC instituted at the instance of applicant-wife against the respondent and his family members are pending adjudication before the Court of Judicial Magistrate Ist Class, Faridabad.

3. Learned counsel for the applicant further submits that applicant is living with her parents at Faridabad. It is very difficult for her to travel 88 kms from Sonipat to Faridabad on each and every date of hearing.

4. Despite service, no one appeared on behalf of the respondent. Hence, this Court is of the view that the 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. The cases pending between the parties are aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that criminal proceedings under Section 323/498-A/506 IPC are already pending in the Courts at Faridabad, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

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The petition in question pending before the Court of Additional Principal Judge, Family Court, Sonipat is ordered to be withdrawn from that Court and is transferred to District Judge, Faridabad for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 10, 2020
shalini

1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No