

Sr. No.218

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

**TA No.785 of 2019 (O&M)
Date of Decision: 05.02.2020**

Tanvi Gandhi

... Applicant

Versus

Mohit Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rakesh Sharma, Advocate,
for the applicant.

Mr. K.S.Godara, Advocate,
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 bearing HMA No.955 of 2019 titled as “Mohit Kumar Vs. Tanvi Gandhi” pending in the Court of learned District and Sessions Judge, Family Court, Sirsa to the Court of competent jurisdiction at Sonapat.

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

3. Learned counsel for the applicant further submits that petitioner is residing at Sonapat. The distance between Sirsa and Sonapat is about 250 Kms. She has no source of income and it is difficult for her to go to Sirsa on each date of hearing.

4. I have heard learned counsel for the parties and have

gone through the record of the case.

5. 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 is already pending in the Court at Sonapat, 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in question pending before the Court of Learned District and Sessions Judge, Family Court, Sirsa is ordered to be withdrawn from that Court and is transferred to the District Judge, Sonapat for its disposal in accordance with law by the Court concerned.

05.02.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No