

Sr. No.227

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

**TA No.798 of 2019 (O&M)
Date of Decision: 11.02.2020**

Malkinder Kaur

... Applicant

Versus

Ravinder Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Chetan Goyal, Advocate,
for the applicant.

Mr. Sumeet Pal Singh, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13-1(A) of Hindu Marriage Act, 1955 bearing No. DMC/204/2019 titled as "Ravinder Singh Vs. Malkinder Kaur" pending in the Court of Additional District and Sessions Judge, Fatehgarh Sahib to the Court of competent jurisdiction at Nabha.

2. Learned counsel for the applicant submits that one complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent-husband filed by the applicant-wife is already pending at Nabha, District Patiala.

3. Learned counsel for the applicant submits that applicant-petitioner is residing at Nabha, District Patiala. The

distance between Nabha and Fatehgarh Sahib is about 42 Kms. She has no source of income. One minor son 9 years old born out of the wedlock is in the custody of applicant-wife and is school going, who needs constant care and attention of the mother. She cannot left him behind to attend the Court proceedings. Therefore, it is very difficult for her to go to Fatehgarh Sahib on each date of hearing.

4. Learned counsel for the respondent-husband opposes the transfer application by saying that earlier respondent had given Rs.4 lakhs to the applicant-wife as maintenance. He also raised an objection regarding territorial jurisdiction as the applicant has sought transfer from Fatehgarh Sahib to Nabha instead of Patiala.

5. I have heard learned counsel for the parties 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 complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 is already pending at Nabha, District Patiala and, therefore, it would be proper and 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question pending before the Court of learned Additional District and Sessions Judge, Fatehgarh Sahib is ordered to be withdrawn from that Court and is transferred to the District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.

11.02.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No