

**Sr. No.229**

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

**TA No.832 of 2019 (O&M)  
Date of Decision: 11.02.2020**

Deepika

... Applicant

Versus

Pawan Kumar

... Respondent

**CORAM:- HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Mr. P.S.Chauhan, Advocate,  
for the applicant.

None 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, 1955 bearing case No. DMC/444/2019 titled as “Pawan Kumar Vs. Deepika” pending in the Court of Learned Additional Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Rewari.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. for grant of maintenance filed by the applicant-wife is already pending at Rewari.

3. Learned counsel for the applicant further submits that petitioner is residing at Rewari. She has no source of income. The distance between Rohtak and Rewari is about 100 Kms. One minor daughter 3 years old is in the custody of applicant-wife, who

needs constant care and attention of the mother. She cannot left her behind to attend the Court proceedings. Therefore, it is difficult for her to go to Rohtak on each date of hearing.

4. Despite service, none has put in appearance on behalf of the respondent-husband and in the premise, 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 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 petition under Section 125 Cr.P.C. for grant of maintenance is already pending in the Court at Rewari, it would be proper, 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in question pending before the Court of learned Additional Principal Judge, (Family Court), Rohtak is ordered to be withdrawn from that Court and is transferred to the District Judge, Rewari for its disposal in accordance with law by the Court concerned.

**(ARUN MONGA)**  
**JUDGE**

**11.02.2020**

vandana

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No