

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

**T.A NO. 869 OF 2019 (O&M)
DATE OF DECISION : 27.01.2020**

Mandeep Kaur

...Applicant

versus

Devinder Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amaninder Preet, Advocate,
for the applicant.

Mr. H. P. S. Ghuman, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by wife seeking transfer of a petition filed by her husband under Section 9 of the Hindu Marriage Act, 1955, bearing No.DMC/196/2019 dated 29.08.2019 titled as "Devinder Singh v. Mandeep Kaur" from the Court of Additional Principal Judge, Family Court, Nabha, District Patiala to any other Court of competent jurisdiction at Barnala.

2. Learned counsel for the applicant submits that one petition instituted at the instance of applicant-wife, is already pending in the Court at Barnala. It is further contended that earlier also, same petition was filed by the respondent but the same was later on withdrawn by him. He further submits that thereafter respondent filed petition under Section 13 of the Hindu

Marriage Act which was dismissed by District Judge, Family Court, Barnala, vide judgment and decree dated 15.11.2017. Respondent also availed remedy against the said judgment and his appeal was also dismissed vide judgment dated 25.07.2019.

3. Learned counsel for the applicant also submits that applicant is residing with her father at Barnala and her mother has already expired. She has no source of income and is totally dependent upon her father. She has one minor child to look after. It is very difficult for her to travel from Patiala to Barnala on each and every date of hearing. On the other hand, respondent is getting salary of Rs.40,000/- per month, being government teacher.

4. I have heard learned counsel for the parties and have gone through the records of the case.

5. Both 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 one petition under Section 127 Cr.P.C, instituted at the instance of applicant-wife, is already pending in the Court at Barnala, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

5. 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.

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question pending before the Court of Additional Principal Judge, Family Court, Nabha, District Patiala is ordered to be withdrawn from that Court and is transferred to District Judge, Barnala, for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

JANUARY 27, 2020
shalini

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