

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

Transfer Application No. 898 of 2019

Date of decision: 06.01.2020

Suman Bala

...Applicant

Versus

Pardeep Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr.Namit Khurana, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J. (Oral)

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights titled as “Pardeep Kumar vs. Suman Bala” bearing HMA No.663 of 2019 pending in the Court of Principal Judge, Family Court, Kurukshetra, to any other Court of the competent jurisdiction at District Yamuna Nagar.

2. Learned counsel for the applicant submits that two more petitions have been filed by the applicant-wife which are pending in the Courts at Yamuna Nagar. Further, the applicant has also lodged an FIR No.97 dated 02.08.2019 under Section 498-A, 406, 506, 34 IPC at Partap Nagar, District Yamuna Nagar.

3. Notice issued to the respondent has been received back unserved with the report that he is not residing at the given address. However, perusal of the case file reveals that address of the husband in the petition filed by him before Principal Judge, Family Court, Kurukshetra and in the present application is same.

4. I have heard learned counsel for the applicant and have gone through the record of the case.

5. All the cases pending between the parties are outcome of matrimonial discord. Keeping in view the contentions made in the petition and the conceded position that petitions under Section 13 of the Hindu Marriage Act and Section 12 of the Protection of Women from Domestic Violence Act, 2005 which were instituted at the instance of applicant-wife prior to the filing of petition in question, are also pending in the Court at Bilaspur, District Yamuna Nagar, it would be proper, appropriate and in the interest of justice if all 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 The petition in question pending before the Court of Principal Judge, Family Court, Kurukshetra is ordered to be withdrawn from that Court and is transferred to the District Judge, Yamuna Nagar for its disposal in accordance with law by the Court concerned.

06.01.2020

dharamvir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No