

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

**T.A NO. 906 OF 2019
DATE OF DECISION : 07.01.2020**

Sharmila

...Applicant

versus

Jai Chand

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Kiran Bala Jain, Advocate,
for the applicant.

None 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 13 of the Hindu Marriage Act titled as "Jai Chand v. Sharmila" pending before Additional District and Sessions Judge, Kurukshetra to any other Court of competent jurisdiction at Panchkula.

2. Learned counsel for the applicant submits that one petition instituted at the instance of applicant-wife, is also pending at the Courts at Panchkula.

3. Learned counsel for the applicant further submits that applicant is residing with her parents. She has one minor child to look after. She has no source of income. It is very difficult for her to travel alone from Panchkula to Kurukshetra on each date of hearing. On the other hand, respondent is employed as Teacher and he can attend Court proceedings at Panchkula

3. Notice of motion was issued to the respondent for today, but no one appeared on his behalf to assist the Court.

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 aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, instituted at the instance of applicant-wife, is already pending in the Court at Sub Divisional Judicial Magistrate, Kalka, District Panchkula, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

7. 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.

8. In the premise, present application is allowed. The petition in question pending before the Court of Additional District and Sessions Judge, Kurukshetra is ordered to be withdrawn from that Court and is transferred to District Judge, Panchkula for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

JANUARY 07, 2020
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |