

Sr. No.211

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

**TA No.948 of 2019 (O&M)
Date of Decision: 22.01.2020**

Poonam

... Applicant

Versus

Mayank Chhibber

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Jagdish Manchanda, Advocate,
for the applicant.

Mr. Manoj Kumar Sood, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 (i) (a) of the Hindu Marriage Act bearing HMA No.138 of 2019 titled as “Mayank Chhibber Vs. Poonam” pending in the Court of Additional Principal Judge, Family Court, Faridabad to the Court of competent jurisdiction at Karnal.

2. Learned counsel for the applicant submits that one complaint has been registered with JMIC, Karnal vide COMI 335 of 2019, in which notice of motion has been issued and respondent-husband appeared on 05.10.2019.

3. Learned counsel for the applicant further submits that petitioner is residing at Karnal. One minor child born out of wedlock is in custody of the applicant-wife.

4. Learned counsel for the respondent opposes the application on the ground that applicant wife has already invoked jurisdiction at Faridabad as an FIR No.373 under Sections 323, 506 498-A IPC has been registered at her instance at Faridabad.

5. Per contra, learned counsel for the applicant submits that he has already moved an application to get the FIR case transferred to Karnal as it is very difficult for the applicant to travel with the minor child of 2 years, who needs 24 x 7 hours attention being of tender age.

6. I have heard learned counsel for the parties and have gone through the record of the case.

7. All the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that one case bearing COMI No.335 of 2019 is already pending in the Court at Karnal, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

8. 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.

9. In the premise, present application is allowed. The petition in question pending before the Court of Additional Principal Judge, Family Court, Faridabad is ordered to be withdrawn from that Court and is transferred to the District Judge,

Karnal for its disposal in accordance with law by the Court concerned.

22.01.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No