

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Transfer Application No. 936 of 2019(O&M)
Date of Decision: 07.01.2020.

Jyoti

... Petitioner

versus

Vikas

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

**Present:- Ms. Parveen Dahiya, Advocate
for the petitioner.**

None for the respondent.

ARUN MONGA, J.

1. Applicant-wife is seeking transfer of petition filed by respondent-husband under Section 13 of Hindu Marriage Act against her for dissolution of marriage, bearing No. 285 of 2019, pending in the Court of District & Sessions Judge Jhajjar(Haryana) to the competent Court in District Sonapat.

2. Learned counsel for the petitioner submits that destitute wife is residing in the jurisdiction of District Sonapat. A petition under Section 125 Cr.P.C. for maintenance and FIR No. 126 dated 26.12.2016 registered at the instance of the applicant-wife is pending adjudication in the Court at Sonapat. According to learned counsel, it is not possible for the wife, who has no income, to travel to Jhajjar which is about 75-80 kms from Sonapat

to contest the divorce petition filed by the husband. She has also to look

after her minor child.

3. None has appeared on behalf of the respondent despite service through his father.

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

5. The cases pending between the parties are after-math of matrimonial discord. Petition for maintenance and FIR No. 126 dated 26.12.2016, under Section 498-A IPC instituted at the instance of applicant-wife is pending adjudication at Sonapat. It would, therefore, be just and proper if both 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 The petition in question pending before the Court of Additional District Judge, Jhajjar is ordered to be withdrawn from that Court and is transferred to the District Judge, Sonapat for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

January 07, 2020
Jiten

1. Whether speaking/ reasoned: Yes/ No

2. Whether reportable: Yes/ No