

Sr. No.201

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

TA-1096-2018(O&M)

Date of Decision: 04.02.2020

POOJA @PINKY

... Applicant

Versus

DEEPAK MANDHAN

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Sandeep Antehri, Advocate,
for the applicant.

Mr.Virender Mandhan, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent-husband titled as “Deepak Mandhan v/s Pooja @ Pinky” pending in the Court of District Judge, Karnal to the Court of competent jurisdiction at Kurukshetra.

2. Learned counsel for the applicant-wife submits that one petition under Section 125 Cr.P.C., a complaint under Section 12 of D.V. Act, 2005 and case FIR No.70 dated 11.04.2017 under Section 498-A, IPC registered at the instance of applicant wife are pending at Kurukshetra.

3. Learned counsel for the applicant further submits that petitioner is residing at Kurukshetra. She has no source of income and it is very difficult for her to attend hearing at Karnal which is 36 kms from Kuruskhetra. 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.

4. I have heard learned counsel for the parties 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 contentions in the application and the conceded position that petition under Section 125 Cr.P.C., and complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and a criminal case under Section 498-A are already pending at Kurukshetra, it would be proper, appropriate and in the interest of justice, if all cases are tried and decided at one place.

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 The petition in question pending before the Court of District Judge, Karnal is ordered to be withdrawn from that Court and is transferred to the District Judge, Kuruskehtra for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

04.02.2020

Sonu

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No