

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-993-2019 (O&M)

Date of decision: 23.01.2020

Suman

...Appellant

Versus

Rakesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr.Suresh Pal, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act bearing HMA No.74 of 2019 titled as “Rakesh Kumar Vs. Suman” pending in the Court of Civil Judge (Senior Division), Mansa to the Court of competent jurisdiction at Chandigarh.
2. Learned counsel for the applicant submits that one more petition under Section 12 of the Domestic Violence Act filed by the applicant-wife against respondent is pending at Chandigarh.
3. Learned counsel for the applicant further submits that petitioner is residing at Chandigarh. She has no source of income and it is difficult for her to go to Mansa on each date of hearing while travelling for more than 7-8 hours as up-down. On the other hand, respondent can attend the Court

proceedings at Chandigarh.

4. Despite service, no one has put in appearance on behalf of the respondent.

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

6. Both 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 12 of the Domestic Violence Act is already pending in the Court at Chandigarh, it would be proper, appropriate and in the interest of justice if both 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 The petition in question pending before the Court of Civil Judge (Sr.Divn.), Mansa is ordered to be withdrawn from that Court and is transferred to the District Judge, Chandigarh for its disposal in accordance with law by the Court concerned.

23.01.2020

Satyawan

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No.
Yes/No.