

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

T.A NO. 1037 OF 2019
DATE OF DECISION : 03.02.2020

Amandeep Kaur

...Applicant

versus

Gurtej Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. G. S. Hayer, Advocate,
for the applicants.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 9 of the Hindu Marriage Act, 1955, titled as "Gurtej Singh v. Amandeep Kaur" from the Court of District Judge, Family Court, Jagraon to any other Court of competent jurisdiction at Moga.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C filed by the applicant-wife, is pending in the Court at Moga.

3. Learned counsel for the applicant further submits that applicant is residing at her parental home. Her father has expired. She has no source of income. It is very difficult for her to travel from Moga to Jagraon on each and every date of hearing.

4. 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.

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

6. I have heard learned counsel for the applicant and have gone through the records of the case.

7. Both 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 one petition under Section 125 Cr.P.C, instituted at the instance of applicant-wife, is already pending in the Court at Moga, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

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 The petition in question pending before the Court of District Judge, Family Court, Jagraon is ordered to be withdrawn from that Court and is transferred to District Judge, Moga for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 03, 2020

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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No