Sr. No.229
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No.989 of 2019 (O&M)
Date of Decision: 06.02.2020

Sapna

... Applicant

Versus

Rahul

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Balraj Gujjar, Advocate,
for the applicant.

Ms. Harshita, Legal Service Counsel
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of Hindu Marriage Act, 1955 bearing HMA No.2960/2018 titled as "Rahul Vs. Sapna" pending in the Court of Additional Principal Judge, Family Court, Faridabad to the Court of competent jurisdiction at Bhiwani.

2. Learned counsel for the applicant submits that three cases i.e. one petition under Section 125 Cr.P.C. seeking maintenance and other petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 and one FIR under Sections 323/406/498-A and 506 of IPC registered against the respondent-husband at the instance of applicant-wife are already pending at Bhiwani.

3. Learned counsel for the applicant submits that applicant-petitioner is residing at Village Badesra, Police Station

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Bawani Khera, District Bhiwani, Haryana. The distance between Faridabad and Bhiwani is about 158 Kms. There is no direct bus service. He further submits that applicant-petitioner is physically handicapped lady. Therefore, it is very difficult for her to go to Faridabad on each date of hearing. On the other hand, respondent is in Government Service. He can attend the Court proceedings at Bhiwani.

4. Learned counsel for the respondent-husband opposes the transfer application on the ground that respondent-husband is visually impaired person and it is difficult for him to undertake the journey and to attend proceedings and without the assistance of some other person/family member.

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

6. All the cases pending between the parties are aftermath of matrimonial discord. The conceded position is that respondent-husband had earlier filed transfer petition before this Court seeking transfer of above said three cases pending at Bhiwani, which was dismissed and upon challenge, the same was upheld by the Supreme Court. Resultantly the respondent-husband has to, in any case, attend the Court proceedings at Bhiwani. In view of this and the contentions in the application, it would be proper and appropriate and in the interest of justice, if all the cases are tried and decided at one place

7. In the premise, present application is allowed. The petition in question pending before the Court of learned

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Additional Principal Judge, Family Court, Faridabad is ordered to be withdrawn from that Court and is transferred to the District Judge, Bhiwani for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
06.02.2020 **JUDGE**
vandana

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No

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