

**Sr. No.224
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.1022 of 2019 (O&M)
Date of Decision: 05.02.2020**

Pooja @ Pooja Laxmi

... Applicant

Versus

Amardeep Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Dinesh Mahajan, 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.2136 of 2019 titled as “Amardeep Singh Vs. Pooja @ Pooja Laxmi” pending in the Court of learned Principal Judge, Family Court, Ludhiana to the Court of competent jurisdiction at Hoshiarpur.

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

3. Learned counsel for the applicant further submits that petitioner is residing at Hoshiarpur. One minor daughter born out of wedlock is in custody of the applicant wife. The distance between Ludhiana and Hoshiarpur is about 80 Kms. She has no source of income and it is difficult for her to go to Ludhiana on each date of hearing.

4. Despite service, none 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 125 Cr.P.C. is already pending in the Court at Hoshiarpur, 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 The petition in question pending before the Court of Learned Principal Judge, Family Court, Ludhiana is ordered to be withdrawn from that Court and is transferred to the District Judge, Hoshiarpur for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

05.02.2020

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No