

Sr. No.227

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

TA-1010-2019

Date of Decision: 04.02.2020

RAJNI

... Applicant

Versus

RAJ KHURANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Gaurav Sethi, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing HMA Case No.DMC/460/2019 titled as “Raj Khurana v/s Rajni” pending in the Court of Additional Principal Judge, Family Court, Rajpura to the Court of competent jurisdiction at Ambala.
2. Learned counsel for the applicant-wife submits that there are two more cases between the parties are pending in courts at Ambala.
3. Learned counsel for the applicant further submits that petitioner is residing at Ambala with her parents. She has two minor children aged 3 year and 1 year to take care of. She has no source of income and it is very difficult for her to attend hearing at Rajpura from Ambala as both children need her constant care. 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. Despite service, none has put in appearance on behalf of respondent.

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 applicant are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that petition under Sections 125 Cr.P.C. and complaint under Section 12 read with Section 17, 18, 19, 20, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 are already pending at Ambala, it would be proper, 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The petition in question pending before the Court of Additional Principal Judge, Family Court, Rajpura is ordered to be withdrawn from that Court and is transferred to the District Judge, Ambala for its disposal in accordance with law by the Court concerned.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