

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

**T.A NO. 2963 OF 2018
DATE OF DECISION : 10.01.2020**

Leena

...Applicant

versus

Sumit Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Punit Malik, Advocate,
for the applicant.

Mr. Jatin Hans, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by wife seeking transfer of a petition filed by her husband under Section 13 of the Hindu Marriage Act, titled as "Sumit Kumar v. Leena" from the Court of District Judge, Family Court, Bhiwani to any other Court of competent jurisdiction at district Gurugram.

2. Learned counsel for the applicant submits that three more petitions filed by the applicant-wife, are pending in the Court at Gurugram.

3. Learned counsel for the applicant further submits that applicant is residing with her parents at Gurugram. She has no source of income, whereas respondent is earning ₹10 lacs per month. It is very difficult for her to travel 110 kms from Bhiwani to Gurugram on each and every date of hearing.

4. I have heard learned counsel for the parties and have gone through the records of the case.

5. All 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 petitions under Section 125 Cr.P.C, under Section 12 of Protection of Women from Domestic Violence Act, 2005 and FIR No.782 dated 26.08.2015 under Section 498-A/506 IPC has also been registered at Police Station Sadar Gurugram, instituted at the instance of applicant-wife, is already pending in the Court at Gurugram, it would be proper, appropriate and in the interest of justice if all 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 The petition in question pending before the Court of District Judge, Family Court, Bhiwani is ordered to be withdrawn from that Court and is transferred to District Judge, Gurugram, for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

JANUARY 10, 2020
shalini

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