

Sr. No.228

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

TA-1017-2019

Date of Decision: 04.02.2020

RAVEENA

... Applicant

Versus

SUMIT

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.S.K.Trupathi, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of divorce petition under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing HMA Case No.689/2019 titled as "Sumit v/s Raveena" pending in the Court of District Judge, Family Court, Jhajjar to the Court of competent jurisdiction at Gurugram.
2. Learned counsel for the applicant-wife submits that one more petition under Section 125 Cr.P.C. is pending at Gurugram.
3. Learned counsel for the applicant further submits that petitioner is residing at Gurugram with her parents. She has one minor child to take care of. She has no source of income and it is very difficult for her to attend hearing at Jhajjar which is 46 kms from Gurugram as the minor child needs 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. I have heard learned counsel for the applicant and have gone through the record of the case.

5. 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 Sections 125 Cr.P.C. is already pending at Gurugram, it would be proper, appropriate and in the interest of justice, if both the cases are tried and decided at one place.

6. Given that the petitioner is stated to be only 20 years old young girl and is fearful of his life in view of the perception expressed by her in the petition. It was in the interest of justice and appropriate that application is allowed.

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 The petition in question pending before the Court of District Judge, (Family Court), Jhajjar is ordered to be withdrawn from that Court and is transferred to the District Judge, Gurugram for its disposal in accordance with law by the Court concerned.

04.02.2020

Sonu

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No