

**Sr. No.232
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.1027 of 2019 (O&M)
Date of Decision: 07.02.2020**

Jyoti

... Applicant

Versus

Sandeep Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sumit Sharma, 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 13 1 (ia) of the Hindu Marriage Act, bearing DMC No.229/2019 titled as "Sandeep Kumar Vs. Jyoti" pending in the Court of learned Additional District Judge, Charkhi Dadri to the Court of competent jurisdiction at Bhiwani.

2. Learned counsel for the applicant submits that FIR under Sections 498-A/323/406/506 of IPC against the respondent is pending at Police Station Tosham and one complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is also pending at Tosham, District Bhiwani.

3. Learned counsel for the applicant submits that the applicant-wife is residing with her parents at Village Biran, District Bhiwani. The distance between Charkhi Dadri and Bhiwani is

about 50 Kms. She has no source of income and it is difficult for her

to go to Charkhi Dadri on each date of hearing. On the other hand, respondent is a well earning man and he can attend the Court proceedings at Bhiwani.

4. Despite service, none has put in appearance on behalf of the respondent-husband and in the premise, this Court is of the view that respondent-husband is deemed to have consented the present transfer application by not contesting the same.

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

6. All the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that FIR under Sections 498-A/323/406/506 of IPC and one complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 are also pending at Tosham District Bhiwani 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The petition in question pending before the Court of Learned Additional District Judge, Charkhi Dadri, is ordered to be withdrawn from that Court and is transferred to the District Judge, Bhiwani for its disposal in accordance with law by the Court concerned.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)
JUDGE

07.02.2020

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No