

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

Transfer Application No.6986 of 2018
Date of decision: 06.01.2020

Mandeep Kaur

...Applicant

Versus

Deepak Sahni

...Respondent

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr.Kulwinder Kaur, Advocate
for the applicant.

Mr.Saajan Singla, Advocate,
for the respondent.

ARUN MONGA, J. (Oral)

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights titled as “Deepak Sahni vs. Mandeep Kaur” bearing HMA No.85 of 2018, pending in the Court of Civil Judge (Junior Division), Ludhiana, to any other Court of the competent jurisdiction at Fatehgarh Sahib.

2. Learned counsel for the applicant submits that a petition under Section 125 Cr.P.C. filed by the applicant-wife is already pending in Court at District Fatehgarh Sahib which is still pending adjudication. She has also to look after her 3 years old daughter and it will be difficult for her to attend Court at Ludhiana. On the other hand, respondent is a businessman and can attend the proceedings at Fatehgarh Sahib.

3. I have heard learned counsel for the parties and have gone through the record of the case.

4. 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 petitions under Section 125 Cr.P.C., instituted at the instance of applicant-wife, is already pending in the Court at District Fatehgarh Sahib, in which respondent-husband is already appearing and she has also to look after her 3 year daughter, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

5. 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.

6. In the premise, present application is allowed. The petition in question pending before the Court of Civil Judge (Junior Division) Ludhiana is ordered to be withdrawn from that Court and is transferred to the District Judge, Fatehgarh Sahib for its disposal in accordance with law by the Court concerned.

06.01.2020

dharamvir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No