

Sr. No.226

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

**TA No.1041 of 2019 (O&M)
Date of Decision: 05.02.2020**

Rajwinder Kaur

... Applicant

Versus

Davinderpal Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vikram Bali, Advocate,
for the applicant.

Mr. S.S.Joshi, 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 bearing registration No.137 of 2019 titled as “Davinderpal Singh Vs. Rajwinder Kaur” pending in the Court of District Judge, Family Court, Rupnagar to the Court of competent jurisdiction at Phagwara.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. filed by the applicant-wife is pending at Phagwara.

3. Learned counsel for the applicant further submits that petitioner is residing at Phagwara. Two minor children born out of wedlock are in custody of the applicant wife and are school going. The distance between Rupnagar and Phagwara is about 85 Kms. She has no source of income and it is difficult for her to go to

Rupnagar on each date of hearing.

4. I have heard learned counsel for the parties 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 Section 125 Cr.P.C. is already pending in the Court at Phagwara, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

6. 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.

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 The petition in question pending before the Court of Learned District Judge, Rupnagar is ordered to be withdrawn from that Court and is transferred to the District Judge, Kapurthala for its disposal in accordance with law by the Court concerned.

05.02.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No