

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

**T.A NO. 1052 OF 2019
DATE OF DECISION : 10.02.2020**

Parvinder Kaur

...Applicant

versus

Pinderjit Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Kamalpreet Bawa, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 9 of the Hindu Marriage Act, 1955, bearing HMA No.85 of 2019 dated 26.08.2019 titled as "Pinderjit Singh v. Parwinder Kaur" pending in the Court of Civil Judge (Senior Division), Sangrur to any other Court of competent jurisdiction at Moga.

2. Learned counsel for the applicant submits that criminal complaint made to Senior Superintendent of Police, Moga, is pending adjudication. Another petition under Section 13 of the Hindu Marriage Act, 1955, instituted by the applicant-wife, is also pending before the Court at Moga. The applicant also filed a civil suit for permanent injunction restraining the respondent and his family members from taking the custody of minor son Harshadpreet Singh illegally, which is also pending adjudication in the Courts at Moga.

3. Learned counsel for the applicant further submits that applicant has no source of income. She is living with her parents. One

male child born out of the wedlock is also in her custody. It is very difficult for her to travel from Moga to Sangrur on each and every date of hearing.

4. Despite service, no one has put in appearance on behalf of the respondent. Hence, this Court is of the view that the 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 records of the case.

6. 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 one petition under Section 13 of the Hindu Marriage Act, 1955 and civil suit regarding custody of minor Harshadpreet Singh and criminal complaint, instituted at the instance of applicant-wife, are already pending adjudication in the Courts at Moga, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

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 The petition in question pending before the Court of Civil Judge (Senior Division), Sangrur is ordered to be withdrawn from that Court and is transferred to District Judge, Moga for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 10, 2020
shalini

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