

Sr. No.230

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

TA-1039-2019

Date of Decision: 04.02.2020

SUMAN

... Applicant

Versus

ANIL

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Narender Kaajla, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent-husband bearing HMA Case No.693/2019 titled as “Anil v/s Suman” pending in the Court of Principal Judge, Family Court, Fatehabad, Camp at Tohana to the Court of competent jurisdiction at Hisar.

2. Learned counsel for the applicant-wife submits that two more cases between the parties are pending in courts at Hisar.

3. Learned counsel for the applicant further submits that petitioner is residing at Hisar with her parents. She has one minor child (aged 2 years) to take care of. She has no source of income and it is very difficult for her to attend hearing at Fatehabad which is 100 kms from Hisar. On the other hand, respondent-husband is working as Multipurpose Health Worker in Haryana Government.

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. Despite service, none has put in appearance on behalf of the respondent.

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 petition under Section 125 Cr.P.C. and complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 are already pending at Hisar, 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in question pending before the Court of Principal Judge, Family Court, Fatehabad, Camp at Tohana is ordered to be withdrawn from that Court and is transferred to the District Judge, Hisar for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

04.02.2020

Sonu

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No