

Sr. No.225

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

**TA No.1040 of 2019 (O&M)
Date of Decision: 05.02.2020**

Swarna

... Applicant

Versus

Mintu

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Raman Goklaney, 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 of the Hindu Marriage Act bearing HMA No.144 of 2019 titled as “Mintu Vs. Swarna” pending in the Court of Learned District and Sessions Judge, Sri Muktsar Sahib to the Court of competent jurisdiction at Ferozepur.

2. Learned counsel for the applicant submits that petitioner is residing at Ferozepur. She has no source of income. She has one minor daughter, who is stated to be of 3 years and in her custody. The distance between Sri Muktsar Sahib and Ferozepur is about 60 Kms. and there is no suitable and adequate train or bus service from Ferozepur to Sri Muktsar Sahib and being a lady, it would be great hardship for her to travel more than 120 Kms in a day and that too on public transport.

3. Despite service, none has put in appearance on behalf

of the respondent.

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

5. The case pending between the parties is aftermath of matrimonial discord.

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in question pending before the Court of learned District and Sessions Judge, Sri Muktsar Sahib is ordered to be withdrawn from that Court and is transferred to the District Judge, Ferozepur for its disposal in accordance with law by the Court concerned.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