

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

Transfer Application No.8997 of 2018

Date of decision: 06.01.2020

Maninder Kaur alias Manjinder Kaur
Versus

...Applicant

Munish Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr.Arjun Atri, Advocate
for the applicant.

Mr.Parminder Singh, Advocate,
for the respondent.

ARUN MONGA, J. (Oral)

Applicant-wife seeks transfer of petition filed by the respondent-Husband under Section 13 of the Hindu Marriage Act for grant of divorce titled as “Munish Kumar vs. Maninder Kaur alias Manjinder Kaur” bearing HMA case No.HMA/461/2018, pending in the Court of Principal District Judge, Family Court, Karnal to any other Court of the competent jurisdiction at Ambala.

2. Learned counsel for the applicant submits that the applicant-wife got registered a case under Section 498, 406 IPC against the respondent, which is pending adjudication in the Court of District and Sessions Judge, Ambala.

3. Learned counsel for the applicant submits that she is totally dependent on the old aged parents and has no source of income. It is not possible for her to attend the Court at Karnal which is 80-90 Km. away from Ambala. On the other hand, respondent can attend Court at Ambala.

4. I have heard learned counsel for the parties and have gone through the record of the case.
5. The petition filed by the respondent-husband in Court at District Karnal seeking dissolution of marriage is outcome of matrimonial dispute arisen between the parties. It has come on record that a case under Section 498, 406 IPC has been instituted at the instance of applicant-wife is pending in the Court at District Ambala, in which challan is to be presented. Considering the aforesaid aspects of the matter, it would be proper, appropriate and in the interest of applicant-wife, if the petition in question is transferred to the Court at Ambala.
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 The petition in question pending before the Court of Principal Judge, Family Court, Karnal is ordered to be withdrawn from that Court and is transferred to the District Judge, Ambala for its disposal in accordance with law by the Court concerned.

06.01.2020

dharamvir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No