

**Sr. No.221
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA-1066-2019 (O&M)
Date of Decision: 18.02.2020**

VIJENDER

... Applicant

Versus

SEEMA

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Parminder Singh, Advocate
for the applicant.

Mr.Bhisham Kumar Majoka,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-husband seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent-wife titled as "Seema v/s Vijender" pending in Family Court, Rewari to the Court of competent jurisdiction at Karnal.

2. Learned counsel for the applicant-husband submits that one more petition under Section 13(i)(a) between the parties is pending in court at Karnal.

3. Learned counsel for the applicant further submits that applicant is residing at Karnal and is 100% Polio effected handicapped person and his both legs are polio effected and he is not in a position to walk, sit and stand. Therefore, it is very difficult for him to attend hearings at Rewari which is approximately 205 kms from Karnal.

4. Learned counsel for the applicant states that the applicant had filed a petition under Section 13 (i)(a) of Hindu Marriage Act, 1955 at Karnal way prior to the petition filed by the respondent-wife

under Section 9 of Hindu Marriage Act, 1955 at Rewari. A transfer application filed by the respondent-wife to transfer proceedings under Section 13 to Rewari was earlier dismissed by Co-ordinate Bench of this High Court vide order dated 09.05.2018.

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 a prior petition under Section 13(i)(a) is already pending at Karnal, it would be proper, appropriate and in the interest of justice, and to avoid the conflicting judgments if both 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 The petition in question pending before the Court of Family Court, Rewari is ordered to be withdrawn from that Court and is transferred to the District Judge, Karnal for its disposal in accordance with law by the Court concerned.

7. The trial Court/Family Court is also directed that both the petitions under Section 9 and 13 (i)(a) shall be tried and disposed of together.

(ARUN MONGA)
JUDGE

18.02.2020

Sonu

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No