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

TA-364-2020

DATE OF DECISION : 13.01.2021

Manpreet Kaur

...Petitioner

Versus

Kuldeep Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Ritesh Pandey, Advocate,
for the respondent.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 bearing HMA/73/2020 titled as "Kuldeep Singh Vs. Manpreet Kaur" pending in the Court of learned Additional Principal Judge, Family Court, Gurdaspur, District Gurdaspur to the Court of competent jurisdiction at District Tarn Taran.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. for grant of maintenance and criminal proceedings under Sections 498-A, 406 IPC against the respondent-husband filed by the applicant-wife are already pending in Court at Tarn Taran.

3. Learned counsel for the applicant submits that the applicant-wife is residing at Tarn Taran. The distance between Gurdaspur and Tarn Taran is about 100 Kms. She has no source of income. One minor child,

aged 1 year, born out of the wedlock is in the custody of applicant-wife, who needs constant care and attention of the mother. She cannot leave him behind to attend the court proceedings. Therefore, it is difficult for her to go to Gurdaspur to attend court proceedings.

4. Learned counsel for the respondent-husband appears and seeks one more opportunity to file return. Though he has objected to the prayer of the applicant/petitioner, however he admits that the petitioner is residing at Tarn Taran.

5. I have heard learned counsel for the parties 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 criminal proceedings under Sections 498-A, 406 IPC are already pending in the Court at Tarn Taran, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

7. 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.

8. In the premise, without going into the allegations/counter allegations, the present transfer application is allowed. The civil suit in question pending before the Court of Learned Additional Principal Judge, Family Court, Gurdaspur is ordered to be withdrawn from that Court and is

transferred to the District Judge, Tarn Taran for its disposal in accordance with law by the Court concerned.

January 13, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No