

Sr. No.205

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

TA No.520 of 2020

Date of Decision: 08.04.2021

Charanjeet Kaur

...Applicant

Vs.

Surjeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ashdeep Singh, Advocate,
For the applicant.

Mr. Rishabh Gupta, Advocate
For the respondent.

(presence marked through video conferencing)

ARUN MONGA, J. (ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act titled as “Surjeet Singh Vs. Charanjit Kaur” pending in the Court of Learned Principal Judge, Family Court, Hoshiarpur to the Court of competent jurisdiction at District Gurdaspur camp Court at Batala.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C. filed by the applicant against the respondent-husband for maintenance is already pending before Principal Judge, Family Court, Gurdaspur/ Camp Court Batala.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Batala with her daughter who is just one and a half years old. She has no source of

income. The distance from Hoshiarpur to Batala is about 131 kms. and, therefore, it is difficult for her to go to Hoshiapur to defend the petition

4. On the other hand, learned counsel for the respondent-husband opposes the transfer.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. 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 petition under Section 125 Cr.P.C. filed by applicant-wife is pending before the Courts at Gurdaspur/ Camp at Batala, it would be proper, appropriate and in the interest of justice if both 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 to the allegations/counter allegations, the present transfer application is allowed. The petition in question pending before the Court of Learned Principal Judge, Family Court, Hoshiarpur is ordered to be withdrawn from that Court and is transferred to the District Judge, Gurdaspur for its entrustment and disposal in accordance with law by the Court concerned.

April 08, 2021

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**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No