

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

TA-522-2020

Date of Decision: 29.01.2021

Jyoti ...Applicant

Vs.

Vikram ...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sunil Kumar Sharma, Advocate,
For the applicant.

Mr. Lalit Kumar, 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 bearing HMA/1064/2020 titled as “Vikram Vs. Jyoti” pending in the Court of Principal Judge (Family Court), Amritsar to the Court of competent jurisdiction at District Hoshiarpur.

2. Learned counsel for the applicant submits that case under Section 125 Cr.P.C. registered at the instance of applicant-petitioner against the respondent-husband is already pending before the learned Family Court at Hoshiarpur.

3. Learned counsel for the applicant submits that petitioner is currently residing in Hoshiarpur with her parents. She has no source of income. The distance from Hoshiarpur to Amritsar is about 115 kms. One minor son 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 Amritsar to attend court hearings.

4. Learned counsel for the respondent joins proceedings and submits that he has already filed his reply.

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 case under Section 125 Cr.P.C. is already pending before the Court of Learned Additional Principal Judge, Family Court, Hoshiarpur, it would be proper, appropriate and in the interest of justice if two 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 petition in question pending before the Court of Principal Judge, (Family Court) Amritsar is ordered to be withdrawn from that Court and is transferred to the District Judge, Hoshiarpur for its disposal in accordance with law by the Court concerned.

January 29, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No