

Sr. No.202

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

TA No.523 of 2020

Date of Decision: 06.04.2021

Harpreet Kaur Dhani

...Applicant

Vs.

Vivek Singh Virdi

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Veneet Sharma, Advocate,
For the applicant.

Mr. Shiv Kumar, Advocate
For the respondent.

ARUN MONGA, J. (ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act titled as “Vivek Singh Virdi Vs. Harpreet Kaur Dhani(Virdi)” pending in the Court of Learned Additional Principal Judge, Family Court, Faridabad to the Court of competent jurisdiction at District Amritsar.

2. Learned counsel for the applicant submits that petition under Section 12 of the Prevention of Women from Domestic Violence Act, 2005(for brevity, 2005 Act) filed by the applicant against the respondent-husband is already pending at Amritsar.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Amritsar. She has no source of income. The distance from Amritsar to Faridabad is more than 450 kms. Father of the applicant is an aged person and it is difficult for her to go to Faridabad to defend the divorce 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 12 of 2005 Act is pending before the Courts at Amritsar, 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in question pending before the Court of Learned Additional Principal Judge, Family Court, Faridabad is ordered to be withdrawn from that Court and is transferred to the District Judge, Amritsar for its entrustment and disposal in accordance with law by the Court concerned.

April 06, 2021
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(ARUN MONGA)
JUDGE

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