

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

TA-541-2020

Date of Decision: 23.03.2021

Sumandeep Kaur

...Applicant

Vs.

Mandeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Puneet Kumar Bansal, Advocate,
For the applicant.

None 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 titled as “Mandeep Singh Vs. Sumandeep Kaur” pending in the Court of Learned Civil Judge (Junior Division), Tarn Taran to the Court of competent jurisdiction at District Ferozepur.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C. for grant of maintenance and complaint under Sections 406, 498-A and 506 IPC registered at the instance of the petitioner against the respondent-husband are already pending at Ferozepur.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Ferozepur. She has no source of income. The distance from Tarn Taran to Ferozepur is about 100 Kms. Father of the applicant-petitioner has already expired. She has two brothers, who are less than 13 years of age. There is no male member, who would accompany her to attend hearing at Tarn Taran.

Therefore, it is difficult for her to go to Tarn Taran.

4. Despite service, none joins the proceedings on behalf of the respondent. In the premise, this Court is of the view that respondent-husband has deemingly consented to the present transfer application by not contesting the same.

5. I have heard learned counsel for the applicant 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 complaint under Sections 406, 498-A and 506 of IPC are already pending before the Court of Learned Judicial Magistrate, Ferozepur, it would be proper, appropriate and in the interest of justice if all 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 Civil Judge, (Junior Division) Tarn Taran is ordered to be withdrawn from that Court and is transferred to the District Judge, Ferozepur for its disposal in accordance with law by the Court concerned.

March 23, 2021

vandana

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(ARUN MONGA)

JUDGE