

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

**TA-507-2021**

**Date of Decision: 02.03.2022**

Rajni Bala

...Applicant

Vs.

Arun Kumar @ Sunny

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present : Ms. Ramneet Kaur Nijjar, Advocate,  
for the applicant.

**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 “Arun Kumar Vs. Rajni Bala” pending in the Family Court Nangal to the Court of competent jurisdiction at SBS Nagar.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C. for grant of maintenance filed by the petitioner against the respondent-husband is already pending at SBS Nagar.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at SBS Nagar. She has no source of income. She has ailing parents to look after. Her mother is bed ridden and her father aged about 70 years suffered two heart attacks on different occasions. There is no one to accompany her to attend the Court hearings. Therefore, it is difficult for her to go to Nangal on each and every date of hearing.

4. Despite various attempts, service of instant petition could not be effected on the respondent-husband. In the premise, vide order dated 01.02.2022, it was directed that service be effected on the learned counsel appearing for the respondent-husband before the Family Court. Service report reveals that though the service has been effected on learned counsel, yet he has taken the plea that he is not in contact with the respondent-husband. Strangely,

on the other hand the said counsel continues to represent respondent in the Family Court. It does appear that respondent is indulging in sharp practice and intentionally evading the service. Resultantly, he is deemed to have been served. No further steps are thus required to be taken for service on the respondent.

5. I have heard learned counsel for the applicant 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. is already pending before the Family Court at SBS Nagar, it would be proper, appropriate and in the interest of justice if both 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 Family Court, Nangal is ordered to be withdrawn from that Court and is transferred to the District Judge, SBS Nagar for its disposal in accordance with law by the Court concerned.

**March 02, 2022**  
vandana

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No