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

TA-858-2021 (O&M)

Date of Decision: 24.02.2022

Shanu

...Applicant

Vs.

Raghu Chhottra

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Virender Pratap Singh, Advocate,
for the applicant.

Mr. Munish Puri, Advocate,
for the respondent.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CM-2059-CII-2022

Application is allowed, as prayed for, subject to all just exceptions.

Reply is taken on record.

Main case

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act titled as “Raghu Chhottra Vs. Shanu” pending in the Family Court, Jalandhar to the Court of competent jurisdiction at Pathankot.

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 Pathankot. He submits that criminal proceedings pursuant to FIR No.0135 dated 08.07.2020 under

Sections 498-A, 406 IPC, registered at Police Station Division No.2, District Pathankot are also going at Pathankot.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Pathankot. She has no source of income. The distance from Jalandhar to Pathankot is 115 kilometers. Therefore, it is difficult for her to go to Jalandhar on each date of hearing.

4. Learned counsel for the respondent appears and strenuously opposes the transfer application. He submits that petitioner is post graduate and has done MCA and as such it cannot be said that she is not earning anything and is wholly dependent upon her parents.

5. I have heard learned counsel for the parties 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 FIR case registered under Sections 406, 498-A IPC are already pending at Pathankot, 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 Family Court, Jalandhar is ordered to be

withdrawn from that Court and is transferred to the District Judge, Pathankot
for its disposal in accordance with law by the Court concerned.

February 24, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No