

Sr. No. 219

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

TA-912-2021

Date of Decision: 18.02.2022

Palak Vohra

...Applicant

Vs.

Taik Chand @ Rajan

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Neha Dewan, 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 "Taik Chand Vs. Palak Vohra" pending in the Family Court Kharar, District SAS Nagar to the Court of competent jurisdiction at District Bathinda.

2. Learned counsel for the applicant submits that application under Section 12 of Protection of Women from Domestic Violence Act, 2005 and petition under Section 13 of Hindu Marriage Act, 1955 filed by the petitioner against the respondent-husband are already pending at Bathinda.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Bathinda. She has no source of income. The distance from Bathinda to Kharar is about 230 Kms. Therefore, it is difficult for her to go to Kharar on each date of hearing.

4. Despite service, none has put in appearance or filed power of attorney 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 petitioner 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 application under Section 12 of Protection of Women from Domestic Violence Act, 2005 and petition under Section 13 of Hindu Marriage Act, 1955 are already pending at Bathinda, 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, Kharar, District SAS Nagar is ordered to be withdrawn from that Court and is transferred to the District Judge, Bathinda for its disposal in accordance with law by the Court concerned.

February 18, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No