

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

TA-898-2021

Date of Decision: 03.03.2022

Gurpreet Kaur

...Applicant

Vs.

Malwinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Kanwal Goyal, Advocate,
for the applicant.

Mr. R.S.Bajaj, Advocate,
for the respondent.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Applicant-wife seeks transfer of petition filed by the respondent-husband for dissolution of marriage by a decree of divorce registered as HMA/638/2021 titled as “Malwinder Singh Vs. Gurpreet Kaur” pending in the Court of Additional District Judge, Chandigarh to the Court of competent jurisdiction at Patiala.

2. Learned counsel for the applicant submits that revision for enhancement of interim maintenance granted in the petition under Section 125 Cr.P.C. and petition under Protection of Women from Domestic Violence Act, 2005 filed by the applicant-wife against the respondent-husband are already pending at Patiala.

3. Learned counsel for the applicant further submits that applicant-wife is currently residing in her parental home Patiala. She is working as a Pharmacist on contract basis. One minor son born out of the wedlock is in the custody of applicant-wife and is school going, who needs constant care and attention of the mother. She cannot leave him behind to attend the Court

proceedings. Therefore, it is difficult for her to come to Chandigarh to attend court hearings.

4. Learned counsel for the respondent-husband joins proceedings and strenuously opposes the transfer application.

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 revision petition seeking enhancement of maintenance under Section 125 Cr.P.C. and petition under the Protection of Women from Domestic Violence Act are already pending at Patiala, 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 in the Court of Additional District Judge, Chandigarh is ordered to be withdrawn from that Court and is transferred to District Judge, Patiala for its disposal in accordance with law by the Court concerned.

March 03, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No