

Sr. No. 220

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

TA-1091-2021

Date of Decision: 18.02.2022

Smt. Suman Singh

...Applicant

Vs.

Sunder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. K.B. Sharma, 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 13 of the Hindu Marriage Act titled as "Sunder Singh Vs. Smt. Suman" pending in the Family Court, Rohtak to the Court of competent jurisdiction at Faridabad.

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

3. Learned counsel for the applicant submits that applicant is working in Haryana Police and is presently posted at Women Cell, Sector 16, Faridabad. She has two sons. Her elder son, namely, Tarun had undergone his cancer treatment although he has recovered from his cancer disease but till date his treatment continues and the applicant has to take special care of him. Her younger son is school going, who needs constant care and attention of the mother. She cannot leave him behind to attend the Court proceedings. He further submits that the distance from Rohtak to

Faridabad is about 105 Kms. Therefore, it is difficult for her to go to Rohtak 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. 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.PC. is already pending at Faridabad, 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, Rohtak is ordered to be withdrawn from that Court and is transferred to the District Judge, Faridabad for its disposal in accordance with law by the Court concerned.

February 18, 2022

vandana

Whether speaking/reasoned:

Whether reportable:

(ARUN MONGA)
JUDGE

Yes/No

Yes/No