

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

**TA-1169-2021 (O&M)**

**Date of Decision: 24.02.2022**

Harjinder Rani

...Applicant

Vs.

Rajruinder Pal Sharma

...Respondent

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

Present : Mr. Munish Garg, Advocate,  
for the applicant.

None for the respondent despite service.  
**(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 “Rajrupinder Pal Sharma Vs. Harjinder Rani” pending in the Family Court Mansa to the Court of competent jurisdiction at District Barnala.

2. Learned counsel for the applicant submits that petition under Section 13 of the Hindu Marriage Act filed by the petitioner against the respondent-husband is already pending at Barnala.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Barnala. The distance from her parental home i.e. Barnala to Mansa is 60 kilometers. She is working as Staff Nurse on contract basis. Therefore, it is difficult for her to go to Mansa 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 13 of the Hindu Marriage Act is already pending at Barnala, 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 The petition in question pending before the Family Court, Mansa is ordered to be withdrawn from that Court and is transferred to the District Judge, Barnala for its disposal in accordance with law by the Court concerned.

**February 24, 2022**  
vandana

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

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |