

Sr. No. 219

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

TA-1170-2021

Date of Decision: 07.02.2022

Amarjeet Kaur

...Applicant

Vs.

Buta Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. J.K. Singla, Advocate,
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 “Buta Singh Vs. Amarjeet Kaur” pending in the Court of Learned Principal Judge, Family Court, Mansa to the Court of competent jurisdiction at Barnala.

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 Barnala.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Barnala. She has no source of income. The distance from Mansa to Barnala is 60 Kms. One minor son is residing with the applicant-wife, 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 go to Mansa on each date of hearing.

4. Learned counsel for the respondent opposes the transfer application and seeks time to file reply to the present transfer application.

5. I have heard learned counsel for the parties 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.P.C. is already pending before the Court of Learned Principal Judge, Family Court, 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.

9. In the premise, without going to the allegations/counter allegations, the present transfer application is allowed. The petition in question pending before the Court of Learned Principal Judge, Family Court, Mansa is ordered to be withdrawn from that Court and is transferred to the District Judge, Barnala for its disposal in accordance with law by the Court concerned.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 07, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No