

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

TA-1193-2021

Date of decision: 23.02.2022

Prabhjot Kaur

...Applicant

Vs.

Sukhvir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Harpreet Singh, Advocate,
for the applicant.

Mr. Harminder Singh, Advocate,
for the respondent.

(Presence marked through Video Conference)

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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 “Sukhvir Singh Vs. Prabhjot Kaur” pending in the Family Court, Ludhiana to the Court of competent jurisdiction at District SAS Nagar.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C. for grant of maintenance and complaint before Women Cell, SAS Nagar filed by the petitioner against the respondent-husband is already pending at SAS Nagar, Mohali.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Kurali. Parents of the applicant-petitioner have already expired. Learned counsel for the petitioner contends that the petitioner was diagnosed with Guillan Barre Syndrome in the year 2019. She is currently suffering from residual muscle weakness in lower legs and she is not able to bear her own weight and can not walk without assistance. The petitioner in order to attend the Court proceedings at Ludhiana would require to travel a distance of more

than 85 kms. (one way). Therefore, it is very difficult for her to attend court proceedings at Ludhiana.

4. Learned counsel for the respondent-husband joins proceedings and strenuously opposes the transfer application. He has tendered a reply in course of hearing, which is taken on record and marked as Annexure 'A'.

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 Family Court, Kharar, 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, Ludhiana is ordered to be withdrawn from that Court and is transferred to the District Judge, SAS Nagar (Mohali) for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

February 23, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No