

Sr. No. 223

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

TA-1196-2021

Date of Decision: 10.02.2022

Nandika Dutta@ Sharma

...Applicant

Vs.

Sunny Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vinod Kumar Kaushal, 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 her husband (respondent) under Section 9 of the Hindu Marriage Act pending in the Court of Learned Civil Judge (Junior Division), Chandigarh to the Court of competent jurisdiction at Hoshiarpur.

2. It is stated that trial for offences under Sections 498-A/406 IPC vide FIR bearing No.40 dated 19.03.2021 registered at the instance of the petitioner and a petition under Section 125 Cr.P.C. for grant of maintenance, as well as, a complaint under Protection of Women from Domestic Violence Act, 2005 filed by the petitioner against the respondent-husband are already pending at Hoshiarpur.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Hoshiarpur. She is dependent upon her parents. The distance from Hoshiarpur to Chandigarh is 138 Kms one way. Two minor sons are residing with the applicant-wife, who need constant care and attention of the mother. She cannot thus leave them behind to attend the Court proceedings. Therefore, it is difficult for her to come to Chandigarh 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. All the cases pending between the parties are aftermath of matrimonial discord. It would therefore be just, proper, appropriate and in the interest of both parties that all the 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 Court of Learned Civil Judge, Junior Division, Chandigarh is ordered to be withdrawn from that Court and is transferred to the District Judge, Hoshiarpur for its disposal in accordance with law by the Court concerned.

February 10, 2022
vandana

(ARUN MONGA)
JUDGE

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